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The Week

WHEN the country was startled several months ago by the news of the bribery of Fall, it seemed reasonable to suppose that we were dealing with an isolated and therefore curable instance of corruption. This hope has now disappeared. The oil scandal has turned out to be only the beginning of a series of revelations which are shaking the foundations of popular faith in the whole executive branch of the federal government. The disclosures as to individual corruption are bad enough; but far worse is the attempt, in which are engaged virtually all leaders of the Republican party, most of the conservative newspapers and now even the President of the United States, to prevent any further disclosures. The New Republic has no ill will for the Republican party as such; we are thoroughly familiar with the grave scandals which cluster about the last three years of the preceding Democratic administration; but we have no hesitation in saying that the men who are guiding the destinies of the Republican party and administration are subjecting themselves to the supreme moral test of character and are proving themselves grievously wanting.

THEIR failure is general; not a single voice has been raised from among their ranks to express in the least degree the horror, shame and indignation which any decent man should feel at the disclosures which have been made before the Senate investigating committees. On the contrary, what do we see? We see Mr. John T. Adams, Chairman of the Republican National Committee, sponsoring a stream of slanderous abuse of the investigators, which is scattered broadcast by his publicity men. We see Mr. Adams sending a spy employed by his committee to Montana to delve into Senator Wheeler's past, hoping to find some way to halt his activities and discredit the work he has already done. We see the Department of Justice and the Post Office Department assisting Mr. Adams's employe in this activity. We see Mr. Mellon, apparently frightened into hysterics by the prospect of a probe of Treasury Department affairs, shouting from the housetops that a Senate investigation of Treasury records will wreck the nation.

WE see Nicholas Murray Butler, President of one of America's greatest universities, demanding "a clean sweep" of the members of both houses of Congress, and denouncing the Senate in particular for its "shameless contempt for the public interest and ill-mannered scandal-mongering." We see Senator Watson of Indiana, chairman of the committee to investigate the Treasury Department, seeking desperately to bring the investigation to an untimely close and announcing on the floor of the Senate that it is not the committee's business to discover whether any wrong has been done, but only to obtain "constructive suggestions." Mr. Watson can never have a better epitaph than those words. Finally, and worst of all, as is pointed out in another column, we see the President of the United States, who has never expressed one word of disapprobation for the bribery of Fall, for the associations of Daugherty, for the spying on Senators by Burns, for the fatuousness of Denby, for the wholesale looting by Forbes—we have this President sending to the Senate a special message, marked throughout by a white heat of rage, in which he seeks to halt the investi-

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gation of the Treasury Department and by the strongest of inference, all the other investigations, on the basis of a cock-and-bull pretense that the constitutional rights of Cabinet officers are being interfered with.

ELSEWHERE in this issue we publish two articles on the Dawes plan, by Mr. Keynes and Professor Patterson, two of the most competent authorities on the reparations question. While both agree that the work of the Dawes commission has been most ably done, they are far from maintaining that the vexed problem of reparations is placed by the plan in the way of immediate solution. Our own opinion is similar. The plan is a far more competent piece of work than we had been led by the press forecasts to anticipate. Looking back over the forecasts we are puzzled by the persistent attempts of the French and pro-French press to make an anti-German political document out of the report. It is not that at all. Its conclusions are a victor's conclusions, to be sure, but that quality springs from the prefixed conditions: no discussion of the military occupation of the Ruhr; no fixing of a total short of the figures reached in the London agreement.

FROM the unanimity of the experts, the acceptance of the plan by the Reparations Commission and the friendly comment reported from London, Paris and even Berlin, the incautious observer may be led to conclude that Europe is on the point of a settlement under which economic life may promptly recover. But there is bound to be much jockeying among the several governments for position. The French would like to compel the Germans to show their hand first. If the Germans accepted without qualification there would be difficulty for them later in inserting qualifications to offset those the French are likely to make. The Germans would for the same reason prefer unqualified acceptance by the French. The situation makes for delay and, since both countries are on the eve of elections, for propaganda and bad blood, which may jeopardize the benefits that a negotiation animated by good faith might derive from the plan.

ON the German side a serious objection to the Dawes plan is the fact that the payments run on without any final term. A competent financier might calculate the present value of an indefinite series of annual gross payments of $625,000,000 and would arrive at a capital of not more than ten billions, or more likely, in view of the risk, seven billion and a half. To the average man an indefinite annual sum of $625,000,000 looks far greater than even the larger of these figures. The great majority of Germans will look upon such payments as tribute, proof of their enslaved condition, and will cast up in their minds the chances of freeing themselves in the end by some other means than amortization.

YET more serious, from the German point of view, is the failure of the plan to get the French troops out of the Ruhr. The Dawes commission, it is true, had no authority to propose the withdrawal of the occupying troops. It did what it could in this direction, when it proposed to deprive the occupation of any function, through the restoration of German economic sovereignty. But if the French insist on principle on leaving functionless troops in barracks in the Ruhr, the Germans can view such action only as proof of the insincerity of the peaceful pretensions of the French.

ON the French side a serious objection is the uncertainty that, even if the plan is accepted by Germany in good faith, any real contributions to their budget will be forthcoming. Sums paid into the gold bank, if not available for foreign exchange, will pay no part of the French debt or of future reconstruction charges. The fact that the exchange agencies are to be limited so as to prevent the transmission of indemnity payments from disturbing the German gold currency precludes any certainty as to amounts the French will receive in any given time. They are likely to feel that the plan as it stands offers too many opportunities for sharp practice on the part of the Germans, abetted by the British and the neutrals. In that case they are likely to insist on a minimum cash payment. But this would threaten the currency and the budget and would ruin the whole plan.

ANOTHER point at which the French are likely to stick is the virtual veto upon independent French action in coercing Germany. It would be difficult anyway under the plan to put Germany in a technical position of default. Unless the controlled revenues are immensely overestimated—as they may be—Germany can pay the stipulated sums into the gold bank. Then it is up to the Allies to get the funds out of Germany. If they fail in this, France has no recourse against Germany. If the Germans fail to make the required payments to the gold bank, it will be for all the Allies, and other powers interested through the initial loan, to decide what measures should be applied. If the French still cherish, as an alternative to payment, the destruction of Germany, they are likely to feel that they may be on the point of being euchred out of both objectives.

WITH such objections on both sides there might seem small hope of agreement. There is, however, one force making for settlement which is

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steadily gaining in potency. That force is international finance. Nothing but American money saved the franc from collapse in its recent downward plunge. It is by no means secure even today. If the Dawes plan is dropped and France pursues her costly policy of coercing Germany, the franc is destined presently to break away, and next time the financiers will let it go. The German rentenmark is in a rather precarious position. Both France and Germany, if they know their financial good, will be less irreconcilable than they have been in the past.

NEITHER the House nor the Senate exhibits the least disposition to regard the good will of Japan in the handling of immigration. There are differences between the bill passed by the House by a majority of 326 to 71 and the bill now before the Senate. The former bases the quota on the 1890 census while the latter takes the 1910 census as its base. Both, however, exclude aliens ineligible for citizenship; which means the Japanese. The protest of the Japanese ambassador—legitimate in substance although undiplomatically and unwisely worded—served only to make the Senate almost unanimous in its support of Japanese exclusion. The situation is one that all those who value international good will must deeply regret. It was in our power to settle the Japanese immigration question without offence. The "gentlemen's agreement" has worked well, and Japan could have been induced to stiffen it in any measure we deemed desirable. In choosing exclusion by law in preference to exclusion by agreement we have given wanton offence—a procedure which does not pay better in international than in private affairs.

THE bill as passed by the House is a triumph for the "Nordics." The American strain is not to be diluted by extensive admixture with blood from southern and eastern Europe. The supporters of the bill think that it insures the continuance of the present racial constitution of the American people. That, however, is too easy a solution. Internal forces are just as potent in producing a shift in the constitution of a people as foreign immigration. The present depression in agriculture, for example, is driving millions of young men and women from the country to the city. In the country their children would have been numerous; in the city they will be few. Naturally it is the best stock that leaves the farm; if the process continues long the remaining farm stock will consist largely of culls. True, they will be "Nordic" culls. But on the lowest level, as on the highest, the differences among races are negligible.

THOSE Americans who are loud in their admiration of Mussolini will, no doubt, be glad to praise a recent action of his imitator and spiritual kinsman, General Primo de Rivera, Spanish dictator in Spain. Miguel de Unamuno is one of Spain's leading literary men, a liberal but by no means a revolutionary. Some time ago he was so presumptuous as to criticize General Rivera in print. That swashbuckler, knowing himself unable to compete with Unamuno in a contest of brains, has replied by deporting him to the Canary Islands. The action has roused a storm of protest throughout Europe; and the leading literary men of all countries have joined in denouncing Rivera's act. We doubt, however, that such denunciation will accomplish anything. When you have the dictator's sort of mind the only argument you can understand is your own: brute force.

IT is a meaningless but interesting coincidence that Hugo Stinnes should have died at the moment when the Dawes committee made public its plan. He would probably have fought the proposals; and his death therefore removes one stumbling block from a path which is still, however, beset with the gravest possible difficulties. For the rest, it should be said that the career of Stinnes was a perfect example of what the industrial system produces at its worst. Though he was credited with far more power and wealth than he possessed, the reality was impressive enough: a fortune of perhaps a billion dollars, strategic control of the fundamental metallurgical industries of Germany and ramifications in every direction, including ownership of scores of newspapers and other publications which greatly strengthened his unhealthy grasp upon the government of his country. There is irony in the fact that Germany, which before the war was universally hailed as the most highly socialized state in the world, should also be the scene of operations for the man who did more than anyone else of his generation to enslave the working class.

PERMIT us to introduce for his moment in the spotlight Mr. A. K. Elliott, national student secretary of the Young Men's Christian Association. Mr. Elliott's bid for fame rests on the fact that he has made a formal "charge" against Dr. Walter Dill Scott, President of Northwestern University, according to a dispatch to the New York Herald-Tribune, accusing Dr. Scott of the horrendous crime of "paying a Young Men's Christian Association secretary $100 to go to the University at Evanston and speak on peace." This dreadful accusation rouses some interesting thoughts as to the mental gymnastics of which Mr. Elliott must be capable. We take it for granted that he was a good American during the late conflict, loyal to the government of the United States and to its aims and purposes. The chief of those aims, as repeatedly set forth by the President, was to put an end to war. Therefore Mr. Elliott as a good citizen must have been a pacifist himself during

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1917-1918. Yet now he regards this state of mind as little less than criminal. We should like to ask Mr. Elliott in all earnestness: What has happened in the world since 1918 which has persuaded him that war is after all desirable?

WE had supposed that all the arguments for immigration restriction were in, but the Sacramento Church Federation has invented a new one. The Sacramento Federation reports that in taking over a missionary unit when the Inter-Church movement collapsed, it discovered from the names of several thousand missionaries that about 97 percent of them were Nordic. "On this Nordic strain depends world evangelization." Unhappily, this priceless Nordic strain has so low a birth rate that unless it is artificially protected by immigration restrictions it is bound to be swamped by non-Nordic blood. The Federation offers as proof a table showing the approximate number of children in successive generations:

Generation:	1st	2nd	3rd	4th	5th
Nordic	3	9	27	81	243
Mediterranean	7	49	343	2,401	16,807

WE do not know out of what Sacred Book of the East the Church Federation gets these figures for fecundity. Modern population science knows nothing of them. No Nordic strain has ever trebled generation by generation. To do so it would be necessary for six children, half boys, half girls, to grow up and live through the reproductive age and for each to become the parent of another six surviving through maturity. As there will always be a mortality loss before maturity amounting to at least one third of all children born, the Church Federation must assume every woman marries and is fertile and on the average bears nine living children. To attain to the fecundity imputed to the Mediterranean peoples it must be assumed that every woman marries and bears twenty-one children. Can the Sacramento Church Federation, by some unlucky chance, have substituted for a human table a table for rabbits, such as the agricultural colleges amuse themselves in publishing?

THE Soviet government of Russia is reported to have restored the principle of extra-territoriality for the diplomatic representatives of Germany, making their official residences in Russia German soil. The action is hailed as proof that fear of a counter-revolution is subsiding since the Bolsheviki are willing to permit the existence of quarters in Moscow where their own police agents will not be permitted to enter. This news makes particularly timely an appeal made at a public meeting in New York last week and at numerous similar meetings held recently in various parts of Europe that the Soviet government should grant amnesty to its political prisoners, of whom more than 130 are reported to be still behind the bars. We are glad to endorse this plea. Locking people up for their beliefs is just as abhorrent when done by a revolutionary proletarian government as by the forces of reaction.

President Coolidge Gives Himself Away

HISTORIANS will regard Mr. Coolidge's attack on the Senate and its enthusiastic endorsement by the Republican press as one of the most curious episodes of his checkered administration. The President is a sober and reticent man who under ordinary circumstances observes carefully the proprieties of his great office and is himself a shrewd and calculating politician. One would never expect him in a fit of spleen to lose all sense of proportion and to take the name of the gods of his country in vain. Yet he goes so far as to say that the Republic is in danger because his Secretary of the Treasury is investigated and a hostile senator proposes to pay the cost of the investigation. Was there ever a more absurd discrepancy between an offence and its alleged implication and consequences? If the President and his Secretary of the Treasury ever possessed any sense of humor, they have certainly drugged it with anger and petulance. They are behaving like spoiled children. They cry that the world is out of joint because their opponents, after the usual manner of politics, handle them somewhat roughly.

No doubt Secretary Mellon has a grievance at Senator Couzens's conduct of the investigation into the Internal Revenue Bureau of the Treasury Department. Whatever the Senator's motives may have been, it certainly looks as if the chief object of his inquiry was to show up Secretary Mellon as a profiteer in public office; and he reënforced this appearance when he employed Francis J. Heney as counsel for the committee without giving any warning that he wished Heney's services to conduct an inquiry into the prohibition unit. Heney is not an accountant and economist who would be capable of assisting the committee in obtaining light upon the technical operations of the bureau. He is a criminal lawyer who has been associated in the past with the noisy and aggressive pursuit of public offenders. In these respects the Senate in the person of Mr. Couzens and his committee had presented Messrs. Coolidge and Mellon with a grievance. But the offence consisted not, as the President charges, in violating the law and Constitution of the United States but in the familiar error of being unfair and perhaps even personally spiteful in political controversy. Senator Couzens in addition committed the technical mistake of slightly exceeding his instructions. The resolution which authorized the investigation did not provide for the employment of counsel by the committee. That was a mistake which the President was en-

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titled to exploit, but, as Senator Walsh pointed out, it was a trivial matter which an amending resolution could easily and completely repair. It is clear that what the President really condemned as lawless and as dangerous to the Union was something which in his message he recognizes as "perfectly legitimate"—that is, "partizan criticism," which practically always contains some element of unfairness and injustice.

The Democratic senators were, consequently, justified in expressing amazement at the tone and substance of his attack. Instead of accusing them of being unfair, nagging and biassed which, like most partisans, they all more or less are, he accuses them of unscrupulous lawlessness and the violation of Constitutional guarantees. The provision of the Constitution which he denounces the Senate for infringing is apparently the prohibition against the lawless seizure of private papers, and the denunciation appears to be based upon the demand of the Couzens committee for the income tax records of certain of Mr. Mellon's corporations. But these records are no part of the private papers of the Mellon companies. They are official documents to which the public is denied access only because Congress has so decreed. The Couzens committee in asking for these facts doubtless attacked Mr. Mellon in a way which he had a right to resent, but there was nothing even remotely suggestive of the lawless seizure of private papers about the performance.

The other respect in which Mr. Coolidge accuses the Senate of lawlessness is the evasion by committees of that body of "the prohibition of what amounts to a government charge of criminal action without the formal presentment of a Grand Jury," and the ignoring of "the rules of evidence which have been adopted for the protection of the innocent." In spite of Senator Watson's disclosure this accusation refers manifestly not to the sins of the Couzens committee but to those of the Walsh and Wheeler committees. It is based on the preposterous assumption that an investigation into the conduct of public officials who are suspected of wrong doing should be conducted under all the limitations of a criminal trial. If the Walsh and Wheeler committees had not acted in the way which the President denounces as lawless, they would never have obtained the information which the government is now using in order to prosecute ex-Secretary Fall or which justified the President in dismissing Harry Daugherty. Mr. Coolidge demands the placing of restrictions on congressional investigations into the conduct of executive officers which would fatally hamper the investigators in obtaining testimony from unwilling witnesses. If Congress yielded to his demands, the record of administrative officials would thereafter be immune from effective inquiry unless the accused official admitted sufficient evidence of crime to warrant an indictment.

The fact is, of course, that in this outburst President Coolidge has given himself away. Those of us who, although not members of the Republican party, hoped that as the most powerful and representative political organization in the United States it would pull through the test of the recent exposures with honor and credit, have waited day after day for some action or expression of opinion from President Coolidge which indicated indignation at the conduct of the miscreants and a firm determination to root them and their ways out of the government service. Nothing of the kind has appeared. On the contrary when he did finally utter an outburst of indignation, it was directed not against the corruptionists and the thugs who had occupied important offices but against the men who had exposed them. The President has finally and clearly revealed what his sympathies and antipathies really are. For some time one could not help suspecting that he was hostile to the senatorial inquisitors and friendly to their victims. Otherwise he could not have remained on intimate terms with a man like McLean and permitted such a doubtful traffic to be carried on between Palm Beach and the White House. Otherwise he would have aided the Senate committees in their difficult and arduous inquiries. The President himself has now confirmed the truth of this suspicion. He has come out into the open as the enemy of the investigations. He has assumed an attitude not essentially different from that of Chairman Adams of the Republican National Committee. Without publishing one word in commendation of the Senate committees' services to the public or in condemnation of the lawlessness and corruption of his Republican associates, President Coolidge has indicted the Democratic investigators at the bar of public opinion as the foes of orderly government in the United States.

The President's final decision to attack the investigators and disparage the practice of investigations is particularly deplorable for one reason. It is always undesirable that select congressional committees should have to conduct investigations for the purpose of exposing corruption in office rather than for the purpose of seeking methods of improving the administration of the laws. Investigations of this kind would not be necessary, if administrative officials could be trusted to report indications of corruption on the part of their fellow officials; and when they are necessary it is only because a certain number of public employes and private citizens enter into a tacit or overt conspiracy to allow the corruption to continue. When the exposure finally takes place, popular opinion justifiably suspects the existence of such a conspiracy, and its suspicions are bound to increase and to become reckless in so far as any indication exists of a successful plan to suppress the facts and to force the investigators to quit. President Coolidge's behavior during the crisis has looked in the

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direction of furtiveness, subterfuge and, if possible, suppression. It is alleged for instance that his own subordinates in the Department of Justice have illegally searched the offices of Senators whose only crime was a public attempt to expose the corruptionists. Yet the President, in spite of his tenderness for the tax records of the Mellon corporations, apparently allows these charges to remain uninvestigated and the criminals, if guilty, to go unrebuked. In this and other respects the President's own conduct and that of his associates in admitting nothing, exposing nothing and reforming nothing which they can help, is chiefly responsible for the state of mind to which he and Secretary Mellon take exception. When they denounce the investigations and do their best to sanction secrecy with a constitutional halo, a large part of the public naturally suspects that they themselves have much to conceal and much to gain by concealment.

Are Income Taxes Drying Up?

"THE present tax rates are drying up the income tax revenues of the federal government," has been the burden of countless articles, editorials, and speeches by big business men during the last five months. The reform of income-tax rates, we are told, did not have as its prime purpose the relief of the large taxpayer; it was an administrative measure necessary to save the government's revenues from personal income taxes from drying up. This sort of thing was repeated by the Treasury, by business men who believed it, and by editorial writers who should have known better, until a large part of the public accepted it as true.

On the morning of March 18 the metropolitan press carried a news item to the effect that the collections of income taxes, corporate and personal, for the first quarter of 1924 would total only $477,000,000. Last year they had amounted to $532,000,000. So the prophecies of decline seemed to be vindicated, for the moment. One journal actually announced in its headlines that the returns for the quarter were $90,000,000 below Treasury expectations. Upon investigation this proved to be based upon a statement shown to newspaper men at the White House by Secretary Slemp. The Commissioner of Internal Revenue had reported to President Coolidge that the income-tax collections *for the first fifteen days of March* amounted to $377,000,000 and he estimated further that about $100,000,000 could be added to that figure to cover tax receipts to the end of the month. On the basis of these figures the writers blundered to the conclusion that the total income taxes for the three months ending March 31, 1924, would be $477,000,000. The most boastfully accurate of the New York newspapers was somewhat more conservative in forecasting collections for the remainder of the month, and announced in its headlines "Treasury expects final total for quarter of $452,000,000—Got $465,772,015 last year." All of which bore out the repeated assertion that the income tax as a source of revenue was drying up under the present high rates.

Comes now the Secretary of the Treasury with his Statement of Receipts and Expenditures for March 31, 1924. From this it appears that the income and profits taxes collected during March alone amounted to $500,385,765.71, while for the first quarter of 1924 they amount to over $583,000,000. This is as against total collections for the first quarter of 1923 amounting to slightly less than $532,000,000. In short, the income taxes collected for the first quarter of this year were $50,000,000 larger than in the same quarter last year, despite the fact that many persons who would normally have sent in their tax for the entire year made only the payment for the first quarter. This was due to the expectation that rates would be cut twenty-five percent before the close of the year.

Since April 1 income-tax collections have been much larger than they were last April. It is clear from these figures that the income-tax collections for this year, on account of incomes earned in 1923, will amount to $2,200,000,000. According to the best information now available, $1,000,000,000 of this represents income taxes paid by corporations. This leaves $1,200,000,000 as collections from individuals.

The bearing of these facts upon the assertion that the income-tax receipts are drying up under the present rates is illuminating. The largest amount of personal income taxes ever levied was for the year 1919, when they amounted to $1,269,630,104. They fell during the next two years, and amounted to only $719,000,000 in 1921, a year of depression in business, of low profits and speculative losses. Yet for 1923 personal income taxes, even after making a liberal allowance for back taxes included in the receipts, will amount to at least $1,100,000,000. Normal taxes have never yet amounted to $500,000,000. Surtaxes will therefore be 50 percent larger than in 1921. The facts simply do not bear out the assertion that the present income tax rates are working a gradual reduction in the revenues of the government. They show that the small collections of 1921 were to be ascribed to the factors which affected industrial and speculative profits and not to mere tax evasion or to the shifting of property into tax-exempt securities.

The total revenue receipts of the government this fiscal year have run well ahead of those for last year. What has the Treasury done with the money? It has not been wasted in governmental

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extravagance as one might be led to believe from reading the Jeremiads which were issued during this "National Tax Reduction" week. Of the $3,005,000,000 which has been collected during the nine months of this fiscal year, almost exactly $800,000,000, has been used to reduce the national debt; and $643,000,000 has been paid as interest on that debt. During the last twelve months that debt has been reduced by $1,098,826,000. Of this amount $1,013,222,000 came from receipts and the remaining $85,604,000 was taken from the cash balance on hand March 31, 1923. Interest has amounted to one billion. These taxes do not represent waste and extravagance but rather national income saved and used to reduce the interest charge for the future. This is sound national economy. Nor are these funds withdrawn from productive enterprise and activity. The Treasury pays them to the holders of government bonds, who do not, in the normal case, spend the money they receive, but reinvest it in industry.

Muscle Shoals: A Scandal in the Making?

THE Senate of the United States is now considering a bill which many intelligent people believe will, if made a law, ultimately create a national scandal beside which the affair of the naval oil leases will seem a very teapot tempest indeed. We refer to the McKenzie bill, which has already passed the House, accepting the offer of Henry Ford for Muscle Shoals.

Mr. Ford, as everyone knows, has now become little less than a demi-god in the eyes of many of his countrymen—a sort of combination of the northwoodsmen's Paul Bunyan and Thor of the Hammer. The large part that luck has played in his career is quite overlooked; and to him are attributed not only supernatural powers but a supernatural benignance which is not demonstrated by the major facts of his business history. This legend never stood the gentleman from Detroit in better stead than at the present moment. Indeed, without the huge Ford prestige behind it, his Muscle Shoals offer would probably have been characterized by everyone as a monumental piece of effrontery. Even the Ford name does not prevent such a plain-spoken liberal as Senator Norris of Nebraska from declaring the plan to be the worst bargain for the government anyone has ever sought. With this opinion the minority report of the House Committee on Military Affairs agrees: "In our opinion [the Ford proposal] amounts to a gift of enormous property and industrial advantage to a private citizen from the resources of the United States."

The essential facts in the matter are simple. At Muscle Shoals in Alabama, the Tennessee River, sixth in size in the United States, falls 136 feet in thirty-seven miles. At this point, during and since the war, the United States government has spent some $83,900,000 in the partial creation of two dams for hydro-electric power and two plants for the fixation of nitrogen from the atmosphere. This unfinished project still belongs to the government, with the exception of the Gorgas Steam Plant, which was sold to the Alabama Power Company. It is a condition of the Ford offer that the government must replace this and must complete "Wilson dam No. 3." The government must also operate all dams in the future and keep them in repair.

For the physical property which has already cost nearly $84,000,000, Ford offers $5,000,000, payable in installments. For his leases on the hydro-electric power plants he is to pay a total of $219,000,000 during the period of one hundred years, which is the shortest period of time to which he will consent. He also agrees to manufacture each year 40,000 tons of fixed nitrogen for fertilizer. Apparently millions of farmers have received the impression that this fertilizer is to be sold them at a fabulously low price, but in fact Ford has made no such promise. He only agrees that it shall be sold at cost plus not more than eight percent profit. Even this promise is not made in any legal form. Mr. Ford has told the Secretary of War that if he could not make fertilizer profitably he "would quit." All the evidence of the experts is that the cyanamid process of nitrogen fixation, such as is employed in Plant No. 2, is impossibly expensive and is now obsolete as far as the manufacture of fertilizer is concerned.

Perhaps chief of the numerous objections to the Ford proposal is the hundred-year lease. On this he insists, although no provision is made for efficient operation after his death, and he obviously has not a great many more years to live. The United States has an excellent Federal Water Power Law which specifically forbids leases of hydro-electric power sites for longer than fifty years. Even that period is probably too long, from the social point of view. Yet Ford demands a law giving him twice this period and special priority in the renewal of the leases even after that. He also requires exemption from the state laws of Alabama governing public utility corporations. This is of importance because the Muscle Shoals project will generate 850,000 horsepower, of which Ford's nitrate operations will consume not more than 100,000. The other 750,000, which will probably cost him only about one-fifth of the average price of power to large consumers in the South, could and should be utilized for industrial purposes in cities and towns within a radius of 300 miles. What it would mean in the development of that section it is almost impos-

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sible to realize; yet the Ford proposal, which was approved by the House of Representatives by a vote of 227 to 142, does not bind him in any way either as to amount of power to be furnished nor as to price. It is perhaps no wonder that Ford flatly refused to appear before the committee at the present session of Congress, or to permit any authorized representative to do so. A study of these terms makes it easy to understand the point of view of the minority in the House Committee on Military Affairs when it says in its report:

> Imagination cannot compass the advantages to the fortunate legatee of this gigantic gift from a great government. If it shall be made, it will be unparalleled in our history. The request is to use additional government money running to $50,000,000 at a rate not half what private industry pays in the investment world, indisputable rights to nearly 1,000,000 horsepower for private, unrestricted, unregulated use, though millions of users may clamor for it; plant facilities, towns, streets, with all improvements, bought for a mere fraction of their cost and many millions below their ascertained value at the junk heap. Nor can imagination picture or foresee the full effect of what this will mean to the Nation over the term of 100 years and more. Can it be anything less than a sinister menace, a grave danger, an unmistakably false step wholly unjustified, a grievous wrong to the future generations that will have to live under it and abide by what we here do?

It is unfortunate that the only serious offer which has been made in addition to Ford's is that of the Southern power companies. It gives the automobile man's supporters the cheap and easy argument that whoever criticizes his offer is a henchman of "big business." While we do not believe the offer of the power companies should be accepted, it is certainly better than Ford's. The power companies would give $83,000,000 for the existing plant, for which Ford offers but $5,000,000—a plant which has a value of $11,000,000 merely as "scrap," and which includes 311 houses, a 100-room hotel, platinum worth $500,000, many miles of railway, cars, locomotives, etc. The power companies' terms on the leases exceed Ford's by $34,000,000 on fifty years, or $75,000,000 on 100 years. They agree to manufacture much more nitrogen each year, and to have a reserve of 90,000 tons for the government in case of war, against Ford's 40,000 tons. They agree to spend $1,000,000 a year on research, while Ford agrees to spend nothing. Unlike him, they would be subject to the Alabama public utility laws as to the sale of excess power. Unlike him, they ask only fifty years' lease, and would abide by the terms of the Federal Water Power Act, with its intelligent provisions for turning excess earnings back to the government, for careful amortization, and for recapture by the government at a fair price for physical valuation only.

If it were absolutely necessary to turn over to private interests this huge project—which will generate more power than any other single development in the country—we believe the Southern power companies' bid should be carefully considered. But we refuse to admit that this is the only alternative. It seems to us extraordinary that hardly anyone dares come forward to suggest that the government finish the job it has undertaken and operate the Muscle Shoals enterprises for the benefit of the people. Whenever this is suggested, one is told that the war experience sounded the death knell of government operation; that the people were convinced by the railroad experiment that Washington cannot successfully manage a business enterprise. The railroad experiment, of course, proved no such thing. The roads have now been engaged for four years in a desperate propaganda with the double purpose of belittling the record of the Railroad Administration and concealing their own comparative failure when the roads were returned to them. The public has certainly never had a fair chance to learn what government operation of such a project as Muscle Shoals could mean in time of peace. Even if this were not true, private enterprise is in no position to boast, just at present. The revelations made at Washington lately have thrown a startling light on the methods and standards of those captains of industry whom we have been taught by press and pulpit to revere. Government operation might be all that its critics say it is and still prove the lesser of two evils.

President Coolidge last autumn advocated a special commission to investigate the whole Muscle Shoals project and decide what is best to be done. Shortly thereafter, the administration changed its mind and plumped for the Ford offer. By a coincidence, at about the same time Ford decided to withdraw from the presidential race, in which it was generally admitted that his third party candidacy would probably have resulted in the election of a Democrat. We do not say that there is any connection between these two events; but we do say that President Coolidge's first thought was his better one; and that for the sake of the national welfare he should return to it.

THE NEW REPUBLIC

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How Can the Dawes Plan Work?

I
An American View

FACED with a problem that is at present impossible of solution, and restricted by limitations in their instructions and in their authority, the Dawes and McKenna committees have presented reports that are a curious blend of strong and weak features. As matters now stand, they furnish no answer to the baffling reparation question. If they can be used as a start toward an attack on fundamentals, they are well worth the three months of expert labor that have gone into their preparation.

Any estimate of their importance must be based on certain assumptions, unless one is to become involved in a maze of conjecture. This article will accordingly take it for granted that the proposals in their essential features will prove acceptable to the Reparation Commission and to the various governments concerned. This may prove to be a very wild assumption, but it permits us to eliminate at once the distinctly political phases of the problem and consider the economic aspects.

Little comment is needed on the McKenna report. This committee wisely made no attempt to determine the location of German holdings abroad, but in other ways estimated their total amount to be only 6.75 billion gold marks, or less than one fourth the prewar foreign investments. Some of this amount can presumably be lured back to Germany if the Dawes report is adopted. In other words, the McKenna committee has disposed of the fiction of huge sums abroad, and has dexterously passed to Mr. Dawes and his associates the responsibility for getting results. It may appear like shirking, but there was of course nothing else that could be done.

The report of the Dawes committee must be read in the light of the events of five years past, and with a recollection of the limitations imposed by the instructions to the committee. Under the necessity of avoiding, so far as possible, political considerations, unable to touch the total amount of the reparation claims, and faced with a given set of conditions, its freedom was hampered.

How much Germany can ultimately pay if all conditions are made favorable cannot be calculated. The capacity of such a great nation, with 60,000,000 intelligent and industrious people, equipped with a modern industrial plant, is enormous. The amount set in May, 1921, has, of course, been too huge, but the economic potentialities of a great nation are tremendous. Actually Germany has surrendered enormous amounts that constitute real losses, though most that she has paid could not be credited as reparations under the Treaty. The failure of the Allies to receive still larger sums for reparation has been due to three difficulties.

First was a lack of enthusiasm or even willingness on the German side. Germans felt their guilt far less than their critics thought they should; they did not like to pay taxes; inclusion of pension claims seemed to them a breach of faith; and the method followed has penalized success, since there was for practical purposes no limit on the total amount to be demanded. There is no reason to hope that the Germans will be enthusiastic over reparation payments, no matter what the arrangement. The best that can be expected is to create a willingness to carry the burden (a) by reducing the total to a possible sum, (b) by determining it in accordance with the Armistice agreement, and (c) by making payment worth while to the Germans.

Second was the fact that the creditor countries have actually been unwilling to take German payments in the only form in which they can be made —an excess of exported goods and services. We Americans protest that European countries must pay us what they owe, but at the same time do our best to keep out Sicilian lemons, Belgian glass or steel, and British coal. Similarly, Germany's creditors protest against heavy payments even while demanding them. Thus England objects to ships, toys and fabric gloves of German origin.

Third and last was Germany's need for time to recuperate after the war. Under the pressure of their own needs the Allies demanded that impossibly large payments start at once.

These three obstacles were insuperable, and doomed the plan of 1921. The Dawes report recognizes this, and endeavors to meet the situation. Its failure is due partly to the limitations imposed on the committee, and partly to the fact that the problem is not capable of solution.

Germany is to be given a little, but a very little, breathing space. Even during the first year there must be a payment of a billion marks, although most of this is to come from a foreign loan. Thereafter, the payments are to increase to a minimum of two and a half billions in the fifth year and later, this to be supplemented in the sixth and thereafter by an amount computed on an index of prosperity. Only experience can show whether this is too rapid a rate to expect. If the other two difficulties could be overcome, these payments could probably be met. Before passing on, it is in order to observe that the expectations of Mr. Dawes are much more modest than those of his predecessors. In the year 1921-22, the amount demanded was three billions, while we have now no expectation of more than two and a half billions until 1929-30, an interval of eight years.

But will the plan rouse the Germans to sufficient

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effort? Thus far everything has conspired to discourage them. Relief from economic pressure in the Ruhr and the provision for only a minimum of control will help.

But the chief obstacle remains, an obstacle which the Dawes committee was powerless to remove. The total amount of the reparation demand is still 132 billions. A payment of five percent interest and one percent sinking fund on this calls for nearly eight billions per year. At the end of five years from now, the annual payment is to be only two and a half billions. The larger sum is impossible under any conceivable circumstances and perhaps even the smaller amount will be too much under existing conditions. The German government may think it wise to assent, but the German people will not long submit if such a strain as this is facing them.

In 1922 the Morgan committee faced the same difficulty, and refused to proceed with its work. Then there was talk of a foreign loan amounting to $1,000,000,000. Now only $200,000,000 is proposed. Unless this loan is given clear priority, it is hazardous to the lender. In any case it will be futile unless the total claim is drastically reduced. Presumably Mr. Dawes found the political obstacles too great even to hint at such a change, and perhaps the answer will ultimately be found in an alteration of the total claim to an amount which is more possible of payment.

It seems paradoxical to suggest that their finances must become still more involved before the French will be willing to take a modest amount of relief instead of the huge sums of which they have been dreaming, but such is the case. In time they may alter their views, but until they do so, openly or tacitly, the Dawes plan can produce little. Even the British public, smaller in numbers but with a larger income than the German in normal times, is chafing under the burden of remitting to the United States less than $200,000,000. Nearly ten times this sum each year is still facing the Germans as a possible burden. A reduction in the total claim, and some concession for early payments, as once proposed by Mr. Keynes, will in the course of time be necessary.

But if we assume that the reduced payments for five years will be a sufficient substitute for a moratorium, and if the Germans can in some manner be induced to undertake the task, is the other condition fulfilled? Are Germany's creditors ready to take the payments in the only form in which they can be offered—exported commodities and services? Is the world ready to have its goods carried by a German merchant marine, or finance its business with the aid of German bankers and insurance companies? Is England ready to take great quantities of toys, dyestuffs, steel, electrical equipment and fabric gloves? Are England, the United States, Italy and Belgium ready to surrender markets in Asia, Africa and South America, in order to aid Germany in making payments?

This difficulty is frankly and shrewdly faced by the committee. The responsibility of the German government ends with the deposit of the funds for treaty payments in the German bank. To convert these gold marks into foreign currencies and thus make actual payments abroad is put squarely up to the Allies, who are to undertake it through a committee charged not to disturb the exchanges. A little experience with such a task will do much to educate certain European statesmen. Dollars, pounds and francs will be available for purchase in Germany only to the extent that German exports, both visible and invisible, exceed her imports of the same sort. Of course the enormous amounts of which many have been dreaming will not be available. If they are not, and the funds deposited exceed five billions of marks, the burdens of the Germans are lightened, at least for a time. There need be no fear that eight or even three billions of foreign exchange will be quickly available. Mr. Dawes and his associates openly recognize this by insisting that most of the first year's payment of one billion must be spent within Germany, and by hinting that much more should perhaps be used in the same way.

This survey indicates that the reports do not solve the problem as many have supposed they might. Fundamental difficulties with the May, 1921, agreement still exist. Nevertheless the reports should be of incalculable value. Careful students everywhere have for several years been presenting certain facts, but they have been ignored. This committee cannot so easily be brushed aside.

Directly and indirectly the economic situation in Germany is made clear. That country has tremendous possibilities. Its potential output is enormous, and it is not suffering from a shortage of fixed capital. Liquid capital is scarce, vast paper mark profits are not an evidence of large current productivity. A period of recovery with outside help in the interval is needed, and must be allowed for the sake of the future. Only a strong Germany can pay reparations.

Fortunately, too, the McKenna committee has dispelled the fiction of vast German holdings abroad. From twenty-eight billions before the war, the amount has shrunk to less than seven billions, a loss of seventy-five percent. Where these sums are is not revealed, and in any case nothing can be done about it but lure some of the funds back by making conditions at home more attractive than those abroad.

While these points are favorable to the German view the Germans are reminded that they are still under obligation to help in clearing up the wreckage of the war and that they can make large

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contributions for the purpose. The index of prosperity that is proposed is the suggested test of capacity.

But the French as well as the Germans are to face the realities. A rise in the franc upon the publication of the report is to be explained only by manipulation or by a failure of speculators to read the document. Prominent headlines alleging or implying German capacity to pay what has been demanded are deceptive, for the report makes no such claim.

Instead we read from the report that the experts were not authorized to touch the total claim, and ipso facto could not even suggest the number of annual payments. They were closely limited, but fortunately it is not hard to interpret their views. For the first year payments are to total only one billion, most of which is to be loaned to Germany. Even the fifth year will yield only two and a half billions.

These amounts, already small compared with former claims, shrink even more when the report states that "the sums denoted above in our examination of the successive years comprise all amounts for which Germany may be liable to the allied and associated Powers for the costs arising out of the war, including reparation restitution, all cost of all armies of occupation, clearing house operations to the extent of those balances which the Reparation Commission decide must legitimately remain a definitive charge on the German government, commissions of control and supervision, etc." This view is reiterated in paragraph after paragraph. Even the controls provided for in this new report must be paid for out of these reduced totals. Also, charges under new debts contracted under the plan, notably the proposed 800,000,000 mark loan, must constitute a prior lien on the payments if the loan is to succeed.

Five years from now payments will be less than the charges on the A and B bonds, and from these payments everything else must be cared for before anything is available for actual reparation account. Even payments in kind furnish no relief, for the committee accurately points out that they are as much of a burden on Germany and on the exchanges as are cash payments.

The French have no alternative. It is not a question of our sympathy for them, but of facts which they must face. Rejection of the report will avail them nothing, since force has not brought payments from Germany. Nor will acceptance relieve their budget. Some other solution of their problem must be found. An acceptance of the report is better, as it offers a possibility of something in the distant future. Their task is to devise ways of relieving their own finances when the real meaning of the reports is appreciated by the general public in France and abroad.

ERNEST MINOR PATTERSON.

II

A British View

THIS report seeks to attain three prime objects: to restore the economic integrity of Germany, to secure a breathing space of peace and quiet, and to combine the possibility of large payments by Germany hereafter, if when the time comes she is able to make them, with full protection for Germany if when the time comes she is not able to make them. These are essential features of any proposal which is to prove both politically practicable and economically tolerable. The experts have assisted in the attainment of these objects. Therefore they deserve the thanks of the world—thanks belonging to the immediate present which transcend for the moment criticisms directed to the question whether the complicated scheme here adumbrated for future years is the sort of thing that could ever really come to pass in the world of actual happenings.

The experts insist that their plan depends on restoring to Germany control of the railways, customs and administration throughout her empire. "Our whole report," they say, "is based on this hypothesis. If political guarantees and penalties intended to insure execution of the plan proposed are considered desirable they fall outside the committee's jurisdiction. Questions of military occupation are also not within our terms of reference. It is, however, our duty to point out clearly that our forecasts are based on the assumption that economic activity will be unhampered and unaffected by any foreign organization other than the controls herein provided. Consequently our plan is based upon the assumption that existing measures insofar as they hamper that activity will be withdrawn or sufficiently modified so soon as Germany has put into execution the plan recommended and that they will not be reimposed except in case of flagrant failure to fulfill conditions accepted by common agreement." In case of such failure it will be for the creditor governments jointly "to determine the nature of the sanctions to be applied and the method of their rapid and effective application." This is explicit and satisfactory. If, however—as seems probable—the French insist on the perpetuation and recognition in some form of the military occupation of the Ruhr two question are raised. First, such occupation cannot be compatible in practice with the financial and economic integrity of the German Empire, if French military authorities are to retain the powers of daily interference which they are now exercising in the Palatinate and in the Rhineland. In any event, therefore, the occupation must be limited to the presence of French troops in barracks with no administrative powers in normal circumstances and no authority to act

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except in grave emergency and on the instructions of the Allies as whole. Secondly, a perpetuation of the Ruhr occupation into a period when Germany shall be no longer in technical default involves the revision of the Treaty of Versailles on any interpretation of that treaty. France maintains that the Ruhr occupation is among the sanctions permitted by the treaty when Germany is in technical default. No one has maintained that it is permissible in general and at all times. Recognition by the other Allies of a continuing French occupation of the Ruhr must be conditional therefore on its voluntary acceptance by Germany in return for what she considers counterbalancing advantages and on precise conditions of occupation being laid down by the treaty in terms free from the ambiguities of the Treaty of Versailles. It may be difficult to frame conditions which would be acceptable both to France and to Germany. In their attitude towards this crucial diplomatic problem it will not be permissible for the British government in the face of the unanimous declaration of the experts and in the face also of the declared policies of the predominant parties in the House of Commons to show the slightest weakness.

Do the experts' proposals secure the second prime object—a breathing space? This is the part of their scheme about which I feel most doubtful. The effective moratorium is to last for only one year. During this year Germany's liability for treaty payments abroad is to be limited to $50,000,000 and for treaty payments at home to $200,000,000 against which she is to receive a foreign loan of $200,000,000. It appears, but this is not quite plain, that if it proves impracticable to raise so large a loan, then her liability is to be reduced proportionately. If a loan is raised, which would be difficult, she might be able during this first year to strengthen her position. In the second year she is to pay altogether $305,000,000 entirely out of her own resources including an internal loan. In the third year she is to pay $300,000,000, in the fourth year $437,000,000 and thereafter $625,000,000. This presumes a very rapid recovery of Germany's balance of payments with the outside world, and only the progress of events can provide a certain answer. Proposals for the third and fourth years are based on hypothetical estimates of the yield of taxation by that time, which are at least as likely be wrong as right. If these estimates prove wrong, will Germany or will she not be once again in technical default? However this may be, to limit an effective moratorium to so brief a period makes the fundamental mistake of cutting off Germany during the initial period of her presumed recovery from accumulating her prosperity at compound interest. It is impossible that Germany should make large payments hereafter if her entire surplus production is to be taken away almost from the outset before she has had time to build up again her store of working resources. The shortness of the period which will probably elapse before episodes of so-called "default" begin again also has the defect that there will be no sufficient time for any sensible relaxation of political rancors and fears. Nevertheless the rigors of the moratorium as well as of the permanent period are to be mitigated by proposals governing the conditions of remittance which are explained below.

When we come to "permanent" proposals we find the most original and also the most perplexing of the committee's contributions. They lay down two independent conditions governing the maximum of possible reparation: annual payment must not exceed the "difference between the maximum revenue (of the budget) and the minimum expenditure for Germany's own needs," but neither must it exceed the maximum amount which can be transferred to foreign countries without upsetting the exchange stability of German currency. "It is quite obvious that the amount of the budget surplus which can be raised by taxation is not limited by the entirely distinct question of the conditions of external transfer. We propose to distinguish sharply between the two problems." The sharpness with which this vital distinction is conceived and worked out is the most important part of the committee's scheme. It has not received sufficient emphasis in the preliminary press comments.

The first budgetary surplus (supplemented by contributions from railways and from industry) as a result of an elaborate survey and on the basis of a weight of taxation at least commensurate with that imposed in Allied countries, the committee ventures to estimate at a definite figure—namely $625,000,000. This figure itself is subject, however, to important modifications in certain contingencies. First, if the commodity value of gold rises or falls by more than ten percent the above figure is to be adjusted proportionately. Secondly, if the future prosperity of Germany rises or falls above or below the committee's expectations, as measured by an index based on the statistics of the foreign trade budget, railway traffic, consumption of sugar, tobacco, beer and alcohol, population and coal, then in this case also the above figure is to be adjusted proportionately. Thirdly, if in the long run this figure exceeds what it proves practicable to remit outside Germany, the lower of the two maxima is to prevail and the contribution from her is to be limited to the amount that can be remitted abroad. Germany can scarcely expect better terms than these. The figure of $625,000,000 is itself, apart from possible abatements, equal to the lowest amount mentioned hitherto in any official project, namely the minimum of the Bonar Law proposal of January, 1923. The amount may prove too

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high but there are safeguards for its reduction. The committee have avoided the danger of mentioning any definite capital as the equivalent of the annual payments.

Next comes the maximum amount to be remitted outside of Germany: here the committee ventures on no figures at all. It is, they say, "by comparison with the budget incapable of close calculation, unmanageable and too elastic. It would be both speculative and unjust to attempt to forecast the possibilities of the future exchange position and to determine Germany's burden in advance with reference to a problematic estimate of it. Experience and experience alone can show what transfer into foreign currencies can in practice be made. Our system provides in the meantime for a proper charge upon the German taxpayer and a corresponding deposit in gold marks to the Allies' account, and then secured maximum conversion of these mark deposits into foreign currencies which the actual capacity of the exchange position at any given time renders possible."

The means by which this is to be effected is as follows. Proceeds derived from assigned revenues from railways and from industry are to be paid over in marks to a special account in the proposed new German bank of issue. This mark balance is to be controlled by an Allied committee who will transfer it to the Allies by the purchase of foreign exchange to the maximum extent possible "without bringing about instability of currency" if the sums paid into the account exceed what it is possible to remit abroad. Accumulations up to the normal maximum of $500,000,000 "will form a part of the short money operations of the bank" within Germany. Accumulations beyond this sum are to be invested in bonds or loans in Germany. But when the unremitted accumulation reaches $1,250,000,000 it is not to be increased further and the payments required from the German government are to be reduced accordingly. This maximum figure can, however, be modified upwards or downwards by a two-thirds majority of the controlling committee.

I express no opinion at present as to whether a scheme of this kind is capable of being operated in practice on so vast a scale over so long a period of years. But the project has this merit at least —that it endeavors to reconcile the possibility of very large payments hereafter with adequate safeguards in the event of optimistic forecasts proving wrong. If the plan is worked with skill and good faith it seems as if it would protect Germany from the dangers of oppression and ruin. We must be content for the present with the committee's own conclusion—"We do not deny that this part of our proposal will present difficulties of a novel character which can only be solved by experience. But what are the alternatives?"

There remains one feature of the plan to which Germans are likely to pay close attention. Various agents, controllers and trustees are to be attached on behalf of the Allies to organs of German administration. It does not seem on first reading that the proposed powers of these persons are excessive. Germany has much to gain by the Allies receiving first-hand information from sources they trust about the real facts.

The report is the finest contribution hitherto to this impossible problem. It breathes a new spirit and is conceived in a new vein. It achieves an atmosphere of impartiality and exhibits scientific workmanship and sound learning. Though the language seems at times the language of a sane man who, finding himself in a madhouse, must accommodate himself to the inmates, it never loses its sanity. Though it compromises with the impossible and even contemplates the impossible it never prescribes the impossible. This façade and these designs may never be realized in an edifice raised up in the light of day. But it is an honorable document and opens a new chapter.

JOHN MAYNARD KEYNES.

London
(By cable).

Exile

These hills are sandy. Trees are dwarfed here. Crows
Caw dismally in skies of an arid brilliance,
Complain in dusty pine-trees. Yellow daybreak
Lights on the long brown slopes a frost-like dew,
Dew as heavy as rain; The rabbit tracks
Show sharply in it, as they might in snow.
But it's soon gone in the sun—what good does it do?
The houses, on the slope, or amid brown trees,
Are gray and shrivelled. And the men that live here
Are small and withered, spider-like, with large eyes.
Bring water with you if you come to live here—
Cold tinkling cisterns, or else wells so deep
That one looks down to Ganges or Himalayas.
Yes, and bring mountains with you, white, moon-bearing,
Mountains of ice. You will have need of these
Profundities and peaks of wet and cold.
Bring also, in a cage of wire or osier,
Birds of a golden color, who will sing
Of leaves that do not wither, watery fruits
That heavily hang on long melodious boughs
In the blue-silver forests of deep valleys.
I have now been here—how many years? Years unnumbered.
My hands grow clawlike. My eyes are large and starved.
I brought no bird with me, I have no cistern
Where I might find the moon, or river, or snow.
Some day, for lack of these, I'll spin a web
Between two dusty pine-tree-tops, and hang there
Face downward like a spider, blown as lightly
As ghost of leaf. Crows will caw about me.
Morning and evening I shall drink the dew.

CONRAD AIKEN.

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Radio Fallacies

> Since the installation of the radio the morale of the prison has been raised to a great degree.
>
> —*The Playground.*

> More effective than pamphlets, mass meetings, or street orations will be these speeches to the great home audiences receiving through the single sense of hearing.
>
> —*Editorial in the Nation.*

> Potentially the radio gives every member of the electorate the possibility of a direct reaction to the candidates themselves. It does reproduce to some degree, for the first time in the United States, the conditions of the Athenian democracy where every voter, for himself, could hear and judge the candidates.
>
> —*Eunice Fuller Barnard in the New Republic.*

> A better knowledge of one another would promote a fuller comprehension and appreciation of one another. It is our hope that wireless telegraphy and telephony will work wonders in this direction, abolishing not only geographical, but also moral distances. Thus one of the greatest achievements of modern technical science would tend towards the same aim as the League of Nations.
>
> —*From the message of Chancellor Seipel of Austria to the Secretary-General of the League of Nations; Monthly Summary of the League of Nations.*

THE above quotations are typical of the prophetic utterances which usually accompany scientific inventions in the sphere of communication. The cheap automobile was heralded as the solution of the country life problem; telegraphic market reports were to solve the problem of prices; the phonograph and the cinematograph were to relay music, culture and the drama to the masses, and now the radio is to solve the problem of prison morale, transform the American political mechanism into an Athenian democracy and become the handmaiden of internationalism. What the radio promises to do for religion is too apparent. Were not preachers among the first to grasp this new machine of evangelization? Alert pedagogues, always on the watch for new tools of education, added works to prophecy and, if the press is to be believed, are already broadcasting knowledge from university centres. We are led to believe that the radio is to serve as a means for improving education, religion, politics, culture, human relations, international relations, and morals. The great ends of life—beauty, truth, goodness, justice—have at last found their appropriate and effective means.

In the interest of sanity and patience it may be advisable to devote analytical reflection to these inclusive promises of deliverance. The pitchers may be broken at the fountain too soon; while deep calls unto deep and all space is annihilated, we may be caught shivering, hungry and athirst still awaiting the joyful shouts of man mingled with the song of the morning stars. The kingdom may be upon us, coming as a sound in the night, but first let us investigate. Millenniums have a habit of disappointing even those who watch and pray.

The more generalized assumption that improved means of communication result automatically in improved human relations is based upon a persistent fallacy. Schopenhauer's porcupines were not entirely mythological and analogical. College faculties await the summer vacation as a convenient excuse for getting as far away as possible from their colleagues. A deliberative assembly which remains in session too long invariably develops personal frictions between its members. To be in contact with another person is no guarantee that the contact will be fruitful, creative or even pleasant. Crowds and mobs develop modes of contact which have qualities almost mystical in character, but the result is not an improved set of human relations. A modern apartment house which shelters hundreds under its single roof should be the arch-symbol of good human experiences, but it notoriously is not. Mere propinquity is not enough. The important factor in human communication is not contact but content. Conversation with another person may have little or no importance depending upon the content of the conversation. If the improved means of communication results in a mere extension of the area of gossip, accelerated gossiping is the result.

The probabilities of improved relations as a result of increased contacts are in all likelihood diminished when the increased contacts come by way of secondary modes of communication. Few people display an adequate sense of their personalities over the telephone. They either talk too much or too little so that in the end the telephone comes to be the medium for making appointments to meet in person. (Significant telegrams are "confirmed" by letter.) The meaning of what we say over the telephone is either so abrupt that it cuts off a possible understanding or so elaborately vague as to leave the meaning still to be determined. In many cases the impressions of personalities which come by telephone are thoroughly misleading. A good telephone voice does not necessarily accompany a pleasing personality. The discrepancy is often shocking.

The newspaper is, of course, the principal medium of secondary communication for the distribution of political information. Many radio prophets base their political predictions upon the present power of the press. Again it becomes necessary to make qualitative analyses. The newspapers with the largest circulations do not ipso facto exert the greatest influence over political events. The reverse is frequently true. The

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Chicago Tribune exceeds all other competitors in its field of circulation but it has become almost axiomatic to expect this, the self-styled "world's greatest newspaper," to be on the losing side. The ratio of its diminishing influence, curiously enough, corresponds with proximity. In local issues it invariably fails; in state issues it occasionally succeeds, and in national issues it frequently stands on the side of the winners. Reasoning by propinquity, the opposite result should, obviously, be expected. The fact that this paper reaches the largest number of persons is not the significant item for discussion; the essential questions are: with what and how does it reach the people? The presumed superiority of the radio over the newspaper is based upon the assumption that the sense of seeing is inferior to the sense of hearing, for now the politician is to give us "the immediate warm reaction of his personality, down to the very creaking of his shirt studs." Well, what if the listeners say, "Let 'em creak," as the farmer commented after listening to an eloquent oration on rural life, "Let 'em talk; they can't hurt me none."

The fallacies underlying the sort of reasoning criticized above may be separated into sociological and psychological categories. The error of evaluating human association quantitatively is almost too patent to deserve argument. The togetherness of people as a thing in and of itself may lead either to increased frictions or increased harmonies; the diverse results must be approached from the viewpoint of premises which state what happens when people are together. They may come together to kill each other, to vote each other down, or to understand each other. Without an understanding of the technique of creative association, they may come together for purposes of harmony and depart with increased hatred in their hearts. The sociological premises must begin at a more significant level than mere togetherness.

The psychological errors involved are less obvious. However, a sufficient body of information is available to warn us against premature prediction. The stimuli to which psychological research has devoted most attention are those which affect the organism through the senses, but the senses are by no means the only gateways for stimuli. The immediate response to a stimulus may be important but what is far more important for a consideration of reflective behavior is the postponed or delayed response. The response of the total organism is not an immediate response to a direct stimulus. We may hear a politician's voice over the radio but we do not thereupon put on our coats and hats and hasten to the ballot-box to deposit our votes. Between the incidence of the original stimulus and the final response, numerous actively changing processes will have intervened. The final response is likely to be an integration within the organism and an adjustment to an altered environment. It is probable that our final responses (judgments) would be more accurate if all of the senses and other stimuli-receptors were involved. If we could hear, see, taste, smell, and touch the politician we might be in position to "make up our minds" about him. But, even then a residue of doubts might remain. What we really want to know is, not what he says and how he looks, but how he behaves in important situations. In order to satisfy this doubt we might wish to consult someone who had actually observed his behavior and thereupon we should be obliged to weigh this appraisal in terms of other claims and interests. In short, what we hear and what we see must ultimately pass through as grist to the mill of what we are and how we behave. What comes out depends upon how the grist interpenetrates with all that is already in. Hearing and seeing are partial stimuli which contribute to a total response. Neither the radio nor the cinematograph provide adequate stimuli for the selecting, deciding, learning process. Both may furnish a greater variety of stimuli and thus enrich the possibilities of behavior through enlargement of the area of selection, although it must be remembered in this connection that the number of stimuli is not so important as the intensity. Mere increase of stimuli may, in fact, result in increased difficulties of integrative behavior. We may hear and see too much for our capacities for experience. Once more the qualitative test must be applied. American motion pictures exhibited in England may or may not contribute to a more accurate knowledge and helpful appreciation of life in America. Monsignor Seipel may send congratulatory messages by radio but he may also communicate an ultimatum leading to war.

Secondary modes of communication, like all machines, must be interpreted and evaluated in terms of human capacities and purposes. Their value is conditioned by man's capacity to control and appropriate their resulting stimuli. It is entirely possible that inventions may produce an environment so artificial that the hiatus between this environment and man's potential capacity for total adjustment may be sufficient to make adjustment impossible. Upon first blush each new invention appears as a short-cut to the baffling problem of human adjustments, but if these short-cuts cause malformations in other directions they may eventuate as the shortest routes to destruction. "Modern science has split the anciently established order into a thousand fragments," asserts Mr. Raymond Fosdick. The statement may be accepted but how, one may ask, is science to rearrange the fragments into a workable unity? Is the unity of mankind to be sought in machines, in externals, or within the complex of personality functioning through the human organism? The former route is simple, easy and conducive to prophecy. The latter route is complicated, difficult and conducive to sober reflection.

E. C. LINDEMAN.

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Pablo Picasso

I DID not see the exhibition of Picasso's pictures held recently in New York, nor did I see any of these pictures elsewhere, but the last time I was in Paris, I saw a number of pictures of the same kind. What I am writing of Picasso now has therefore only a general reference to the New York pictures, which I know from reproductions in The Arts. Opportunely a note on Picasso which accompanies the pictures, has a text for my purpose. "An able young painter" who "talks more coherently" than some others there quoted says: . . ."His earlier pictures show that he was born with a rotten romantic streak in him. Picasso never was quite human. That's why he is greater as a cubist. Keep him down to a real intellectual problem which prevents him from cheap illustration like The Lovers, and the power of the man comes out in pure expression." This statement is clear and precise except for its ignoring all the pictures that are not of lovers. To be sure it is, as I see things, false in every essential particular, but it is no less admirable for that.

There is no question that Picasso had in him a romantic streak from the first. "The able young painter" quoted, being above all things young, is privileged to call it rotten. The important point is that the romantic streak is contrasted with the intellectual interest that comes out as pure expression in the cubist work. That is what one might call the Picasso legend. I think it entirely false. It is a sad mistake to think that Picasso was "never quite human." He was pathetically, disastrously human.

Picasso came to Paris a badly educated young painter, but infinitely clever and facile. The first influence he felt was, I believe, that of the mordant illustrator Toulouse Lautrec. Later in the Blue period and in the Harlequin period the illustrative interest remained obviously predominant. Picasso once explained the Blue period by the fact that Prussian blue was the cheapest color to be had. Doubtless that was an advantage, but the pictures of that period were blue in mood as well as in color. In the Harlequin period the temper is lighter, yet still sad and wistful. There is more flexibility in the line, and decidedly more alertness of observation and interest than in the Blue period. The Harlequin period was succeeded by the Pink period. It was during this time that Picasso began to move in the direction of "intellectual seriousness and pure expression."

It is necessary, if one would understand what was now about to happen, to consider the peculiar position of Picasso in the Paris art world. He was not French, but a Spaniard. There were, of course, many other Spaniards in Paris, most conspicuous among them Zuloaga. Picasso's extraordinary felicity and cleverness could easily have won him worldly success if that had been the kind of success that he desired, but he was really in revolt against the world. He had qualities of a solitary, though he was very fond of having people about him, and had great personal charm. At his studio in the rue Ravignon where many habitually gathered, for Picasso characteristically had people come to him rather than go out to other people, he spoke little and yet was obviously the dominant personality. His comment on persons and things was commonly humorous and satirical, and he smoked his pipe and twinkled while others speculated and disputed. Occasionally he made caricatures and cartoons which were powerfully expressive as only a great caricaturist could make them. His dark brilliant eyes were the most absorptive that I have ever seen, and I wondered at times, when he was looking at a drawing or an engraving that anything should be left upon the paper.

The group of artists in which Picasso found himself was feeling more and more strongly the influence of Cézanne, and tending more and more to regard as an end what to Cézanne had been a means—substantial form. Cézanne's personal ideal had two poles: to make of impressionism something solid like Poussin, and to do over Poussin in impressionistic terms. His ideal, that is, was of a complete pictorial art. In fact he rarely got as far as this, and was entangled to the end in the problem of means. Much of his work makes on me the painful impression as of a man tied up in a knot who is trying to undo himself. However, his concern with an essential problem, that of adequate expression in modern terms, made him the chief of the modern clan.

Picasso, the illustrator, had to come to terms with this. He was an outsider, not a Frenchman, and could not with the others accept Cézanne as a father, "le père de nous tous," as Matisse once said. Instead, he regarded him as a rival. And here a peculiarity of Picasso's must be taken into account. Picasso never exhibited at the Salons or other collective shows. He stood apart. He at times explained this, but the explanations had not much value. The truth was that he felt as one apart, as one without companions or equals. He did not enter into rivalry with the painters about him because he felt above rivalry. It was one of those complex cases where a man feels sure and yet evades the test. Exhibition was both a degradation and a risk. Picasso's confidence was good for much, but for no more.

There was, however, one rival who had to be met—Cézanne, and it is interesting to watch

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Picasso's course in the conflict. His drawing began to lose the nuances of the Harlequin period, and its curves grew larger, with marked opposition to straight lines. Deformation as a means of accent became more and more pronounced. The shapes were simplified and enlarged, but the quality of intrinsic form, in spite of all this, was not achieved. This seems indeed, to be an inherent quality, and no painter, so far as I know, once without it, has ever acquired it. Nevertheless, since it was Picasso contra mundum, success was the only alternative to complete failure. Picasso unconsciously adopted a ruse. He overcame at length by avoiding the comparison entirely. When there were no longer common terms, he could believe what pleased him regarding his own work. The confrontation with Cézanne left him fancy free.

Picasso was not a great painter or a great master of composition, but in both directions he was capable. He had grace and felicity of a very rich kind, and he had endless ingenuity. He kept his type of cubism alive by his infinite inventiveness, by his success in devising new combinations. At bottom, however, there was very little to it all. As for his intellectuality, that is rubbish. His intellectual baggage is of the slightest, and the total output of intellect in his work is negligible. Picasso is thoroughly intelligent in the ordinary human way, and is ingenious to the last turn, but he is in no serious sense a thinker.

It should now be obvious enough that when his admirers shake their heads despondently over his painting of recognizable form, and think that here he shows a weakness they would not have expected in him, it is time for them to look a little more closely into the work they believe superior. I think that if they do so they will find that there is no essential difference in quality between the cubist pictures and those recently exhibited in New York. In one case we have figure illustration, and in the other illustration of textures and shapes. Picasso fooled first himself and then all the world with solemn nonsense. Whenever he throws off the disguise he is found out.

The young artist who is quoted at the head of my article speaks of Picasso's romantic streak, and contrasts this with the intellectual character of the cubist pictures. In fact, the whole cubistic curve was a course of sheer romantic mystification, first of the artist by the artist, and then of everyone else.

Why then, it may be asked, is Picasso's cubist work better than that of others? The answer, of course, is that he has more talent. His talent is immense, but, to my thinking, it has been wasted on trivialities. Therefore this last work of his is immature and trivial, though often felicitous and successful.

Picasso was very human, with a keen appreciation of personal qualities. He had infinite gifts of expression. Like a Rembrandt or a Goya he would have grown to maturity of power by developing his native faculties. Instead, defects of character and inopportunity of circumstances, led him to seek his realization in construction of pure form for which his talent was but slight. Realization cannot come through evasion. Picasso refused his real job as not good enough for him, and the result has been a wilderness of foolery and waste.

LEO STEIN.

Al's Here

ANYBODY who mentions politics to Elmer Durkin does so at his own risk, so Lem Beale had only himself to blame when he burst into the little news and tobacco shop with the exclamation:

"Did you see how they voted for Al Smith in the primaries out in Wisconsin yesterday? Whadda you know?"

Mr. Beale's devotion to the principles of Jefferson and Jackson brought him eight years of hard labor in the Wappington post office, but he leads his own life now while our postal cards are read by a believer in the protective tariff.

"They've got a simple system out there all right," Elmer replied. "If you're hungry you vote for La Follette and if you're thirsty you vote for Smith."

"But Smith says he believes in law enforcement," the sterling Democrat protested.

"Sure I know, but he can't make his eye behave. There is a popular hunch that 'Al' is short for 'alcohol.' "

"Same time it looks like McAdoo to me," said the ex-postmaster. "See how he cleaned up in Georgia."

"He didn't lick anybody there but Oscar Underwood. Maybe that puts Oscar out over the ropes but it doesn't get Mac any diamond belt."

"Underwood's a good man, too. He believes in religious freedom."

"Yes, and he doesn't care what color a man is —as long as he is white. You can't say there's a nigger in the Underwood pile. But Oscar pulled a boner the day he shied his lid into the ring. He said, 'I am a candidate.' That's no way to act. Sounds underhand and sneaky. According to the official guide you must say, 'I am not a candidate, but—' then you call the go-getters together and divide up the territory and tell 'em to go to it. When you come to think about it, Lem, there's

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something phony about a language where the word, 'candidate,' is two-thirds 'candid.'

"Still and all, I suppose your old sidekick, McAdoo, will come to Madison Square with the biggest herd of deserving Democrats. If a guy hasn't sunk his teeth into a T steak since the year of the big wind, he's not so fussy about a little petroleum on the currency. You know how it is yourself since you got crowded away from the trough.

"That woodshed convention that McAdoo held in Chicago showed that all his little playmates would stick around till supper. They're strong for him in Georgia because he was born there, and in Tennessee because he practised law on them, and in Jersey because he fixed it so they could go to New York without getting seasick. Out in California they like him because he's dippy over the same climate they are. Yep, he'll have a big gang on his bandwagon when it oozes past the Flatiron Building—and that's the way Champ Clark blew into Baltimore and Leonard Wood into Chicago. In other words, you can't always sometimes generally tell.

"Remember it's all over with the G. O. P.'s by July and they've handed it to C. C., all oiled up, F. O. B. Cleveland, and Hiram Johnson has taken his medicine like a little man, shrieking and biting the nearest ears, and the air is noisy with enthusiastic yawns and third-party guff. I'm not spilling any prophecies about the Democrats, Lem, but just suppose.

"They are sweating away in Madison Square Garden, an edifice rich in historic associations and the smell of stale elephants. They've balloted fifty-seven varieties and it's Friday already and nobody is getting anywhere. McAdoo lacks the haymaker punch and he's beginning to curl up at the edges. Cox is a glutton for punishment they all say, but punishment is what the Democrats want everything else but, and the Underwood boys are all dressed up with no place to go. Somebody mentions Ralston, but he sounds too much like a drink of hay. Favorite sons are setting all over the scenery.

"The noble delegate has got curvature of the neck from looking at the high buildings and the high prices, and every bone in his head is aching and it's so hot you can fry eggs on the sidewalks of New York. Tongues are fuzzy and throats are dusty and the yeggs are asking a dollar and a quarter a throw for bad bootleg. Suppose some leather-lung should stand on his hind legs and holler, 'Al's here!'

"A bird from Fourteenth Street might get up and gargle a piece about the old spring days when they first stuck on the swinging doors, when goats blossomed in every window, and the brass rail was all full of happy feet and little Rosie went skipping down the avenue with a dime in the pail. Then what if the quartette from the Michael J. Hennessy Social and Pleasure Club on Avenue A would oblige with that pathetic ballad, 'Where do we go for beer?' How would that listen if *your* collar was melting and running down your back?

"Take it from me, *anything* might happen. They talk about religious prejudice—a guy who was stepping all over his own tongue wouldn't remember if Al Smith was Presbyterian or Jewish."

"That's a pipe dream, Elmer," said Lem with an uneasy movement about the lips. "They wouldn't dare go before the people on that issue."

"You said something there. That's why you Democrats spend so much of your life with your nose pressed against the window of the delicatessen store. But if I was the big sneeze in your party I'd like nothing better than an Al-Cal fight. I'd hang up a slogan, 'C.C. means Coca Cola.' I'd make all the glee clubs warble, 'Brown October Ale.' I'd put out a picture of the Governor of New York with eight inches of cigar slanting up out of his phiz and his derby resting easy on one ear and underneath I'd print, 'How would you like to bury your old beezer in a cold tub of suds?' "

Mr. Beale drew the back of his hand across his mouth and inquired huskily:

"Do you think he could get away with it?"

"Roll your own figures," said Elmer. "He'd get the Irish and the Germans and union labor and non-union labor, and the headline writers and the scofflaws and the Smith family. He'd carry the solid south and the liquid east. Looks to me as if he'd be a riot. Especially if it's a hot, dry summer."

"Coolidge is a pretty able politician—"

"Yes," said Elmer, "but you can't play him on the saxaphone."

FELIX RAY.

The Dream and the Blood

Go, back, dark blood, to the springs from which you came.
Go back, though each mutinous drop swells upward in flood.
What! Am I nothing more now than a wave of onrushing flame?
Nothing but sport of my pulse? Back, back, dark blood!

Am I not master here in my own house of flesh?
Cease roaring and rising. Be still, I tell you; be still.
I have work that calls for cool evenings; I have stuff of the mind to thresh.
Must you pit your unreasoning hunger against my determinate will?

I tell you this body for which we are always contending
Is more than mere fuel for you to be turned into ash.
It was shaped by white visions of leaving its bones, of extending
Itself into realms where your heat would be less than a flash.

What! Will you not even listen? I hear you, O hater
Of all that I plan. I hear how the thud
In my veins beats your victory . . . Later, then, later.
Give me myself for an hour. Go back, dark blood.

LOUIS UNTERMEYER.

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CORRESPONDENCE

Mr. Daugherty's Resignation

SIR: Your comment on the retirement of Mr. Daugherty makes one very much needed observation—that the President has failed to give official recognition to the facts which occasioned the Attorney-General's dismissal. If the charges against the Department of Justice are substantial enough to warrant ousting a Cabinet member, the country deserves to know it from the President himself, and moreover it is entitled to expect that he do something more than issue a perfunctory statement in order to expose the conditions hinted at in the charges. It is not enough that the department be cleaned up at some future time; it is equally imperative that any wrong committed be punished for the benefit of other candidates for government "favors." The President's action indicates that there must be something in the charges, but his letter to the Attorney-General does not even recognize their existence. He has tacitly admitted their gravity, without being courageous enough to acknowledge their implications or to trace them to their sources. In so refusing to refer directly to the charges, he has practically placed himself among the critics who deny any merit to the investigating senators. He has treated the matter as if it were confined to himself, to the Attorney-General, and to the two parties, disregarding the claim of the nation upon him for leadership when his own branch of the government is under fire.

CURTIS NETTELS.

Madison, Wisconsin.

Have We Religious Tolerance in America?

SIR: I have read with great interest in your issue of March 19 the article The Problem of the Smith Candidacy. It appears from it that the fact of being Roman Catholic would be a strong objection against the candidacy of this gentleman. Well, this is extraordinarily interesting for us Europeans! We have always been told that America was synonymous with tolerance, and more than once some very dear and sympathetic American friends have clearly shown to us, notably in Belgium, how mean and petty they considered some of our party quarrels, attesting that in the United States, the largest religious tolerance reigned always. "Americans like to lecture other people!"

Do you happen to know that when independent Belgium had to choose a chief executive in 1831—Belgium which has a fundamentally Catholic character—they chose a Protestant Prince, Leopold of Coburg, who was for thirty-five years the wise and respected monarch of the nation where more than ninety-five percent were catholic, against three or four percent protestant.

It gave me a certain pleasure to discover that after all we are not so far behind America in the way of tolerance and liberalism.

Brussels. E. DE SINETT.

An Estimate of Hiram Johnson

SIR: Albert E. Boynton, in the New Republic issue of March 26, takes exception to David Starr Jordan's cynical allusion to the "historical fact that Hiram Johnson smashed the Southern Pacific Machine in California." He then proceeds to show that he did smash it, and fulfilled his pledge as a candidate to the letter.

Whether Jordan or Boynton is correct, I do not know, but the following passage taken from Mirrors of Washington, published anonymously by Putnam's Sons (1921), seems to reflect little credit to Johnson for this or similar pledges which he has fulfilled.

> His [Johnson's] political life was blank paper when the tumult of popular indignation swept California at the time Francis J. Heney who was prosecuting the San Francisco grafters, was shot in the courtroom. He had thought of nothing politically, he had felt nothing politically. He had neither convictions, nor passions, nor morals, politically speaking. He grew up in soil which does not produce lofty standards. Something of the mining-camp spirit still hung over California. . . . Johnson himself was sprung from a father who was a "railroad lawyer," the agent of privileges in procuring special favors, by methods once well known, from the state legislature. The atmosphere of his youth was not one to develop a sensitive conscience or a high conception of public morals.
>
> Johnson at this time was a practicing attorney, not noted for the quality of his community service . . .
>
> Johnson then felt for the first time something he had never felt before—the stirring of the storm of angry popular feeling. It woke something in him . . . his instinct for the expression of public passion; his love of the platform with yelling multitudes in front of him.
>
> He threw himself into the fray on the side of civic virtue . . . Johnson became the spokesman of public protest and the reform governor of the state. . . . I have said that he is by accident a radical. . . . The essential thing with him is popular passion, not a political philosophy. He has no real convictions. He does not reason or think deeply. His mentality is slight. He is the voice of many; instinctively gives tongue to what the many feel; that is all.

Whether the chapter from which the preceding estimate of the man is taken, does justice to Johnson, I cannot say. But the conclusion drawn is that incidents such as the "Southern Pacific" and his entire reform program are accidental.

Pittsburgh. EDWARD J. MCGURTY.

America and the Treaty of Lausanne

SIR: Will you permit me to say a few words in defence of Mr. Peffer's New Republic article which Mr. Gerard in a letter published in the New Republic of March 12 proceeds to denounce?

Mr. Peffer's article I summarize as follows:

1. We cannot get any better arrangement with Turkey for the time being than a treaty which does not insist on the capitulations and a right to dictate to Turkey concerning the Armenians.
2. The treaty now under discussion gives us contact with Turkey and through the contact we may be able to lead up to better arrangements.
3. Hot-headed young Armenians may look upon the rejection of the treaty by the United States as a sure sign that America means to force Turkey to accept America's terms. With this idea in mind they may be led to augment Turkish hate toward Armenians, and gain nothing for the poor, homeless Armenians.
4. America would have to use force to get the reinstatement of the capitulations and to get Turkey to give territory for an Armenian home. It would take an army of from 200,000 to 500,000 men to impose successful force.
5. Rejection of the treaty means no contact and no contact means increased misunderstanding and increased misunderstanding lessens the chance for moral influence.

Mr. Gerard's letter I summarize as follows:

1. The United States humiliate themselves by accepting the withdrawal of the capitulations and by not demanding acceptance of the Sèvres Treaty, (to which, by the way, we were not party), a treaty that gave Armenians Cilicia as a national home.
2. We should not have any contact with the Turks until a home for the Armenians is granted.
3. Armenians have been betrayed and America must protest that betrayal against the world.
4. He does not advocate force, but if we were to use force, 50,000 men would easily subdue Turkey.

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5. No contact in itself *will* have moral influence in that it will help to upset the present Turkish government which is already tottering.

In view of the fact that I spent five years in Turkey and Greece and in view of the fact that my humble judgment sides with men who know Turkey and the Turks, as well as the Armenians, better than does Mr. Gerard, I summarize my defence as follows:

1. The United States cannot get Turkey to accept the capitulations and to grant territory for an Armenian home without the use of force.

2. Peaceful contact with the Turks and, in the light of knowledge free from unfair propaganda, patient moral influence on them may gain more for the emancipation of both Turk and Armenian than narrow-minded aloofness.

3. Why should we lay the blame for the betrayal of the Armenians entirely at the feet of the Turks? European politics brought Armenians where they are today. How can America assume moral responsibility for all of Europe without becoming entangled in European broils?

4. Nothing betrays Mr. Gerard's ignorance of the Turks more outstandingly than does his disposal of them with 50,000 American soldiers. Such a statement might well lead one who knows something of the military problems over there to conclude that Mr. Gerard is laboring under the influence of sentimentality rather than a statesmanlike grasp of the true situation, psychologically, economically, sociologically and historically comprehended.

BYRON M. NOONE.

New York City.

Peter and John

Twelve good friends
Walked under the leaves
Binding the ends
Of the barley sheaves.

Peter and John
Lay down to sleep
Pillowed upon
A haymaker's heap.

John and Peter
Lay down to dream.
The air was sweeter
Than honey and cream.

Peter was bred
In the salty cold.
His hair was red
And his eyes were gold.

John had a mouth
Like a wing bent down.
His brow was smooth
And his eyes were brown.

Peter to slumber
Sank like a stone,
Of all their number
The bravest one.

John more slowly
Composed himself,
Young and holy
Among the Twelve.

John as he slept
Cried out in grief,
Turned and wept
On the golden leaf:

"Peter, Peter,
Stretch me your hand
Across the glitter
Of the harvest land!"

"Peter, Peter,
Give me a sign!
This was a bitter
Dream of mine,—

"Bitter as aloes
It parched my tongue.
Upon the gallows
My life was hung.

"Sharp it seemed
As a bloody sword.
Peter, I dreamed
I was Christ the Lord!"

Peter turned
To holy Saint John:
His body burned
In the falling sun.

In the falling sun
He burned like flame:
"John, Saint John,
I have dreamed the same!

"My bones were hung
On an elder tree;
Bells were rung
Over Galilee.

"A silver penny
Sealed each of my eyes.
Many and many
A cock crew thrice."

When Peter's word
Was spoken and done,
"Were you Christ the Lord
In your dream?" said John.

"No," said the other,
"That I was not.
I was our brother
Iscariot."

ELINOR WYLIE.

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Notes

Lights On

At the Provincetown Playhouse Molière's George Dandin is given in a setting of mirrored panels with a little screen façade set up for the house. The third act takes place at night. During the whole act we leave the lights unchanged and play and speak as if in the dark. This has aroused some question and comment and criticism. The reason for leaving the lights on thus has some theatrical point, perhaps, for discussion.

In the first place it is not merely to be perverse or contrary, such motives are too silly to speak of and would if followed be only the wastefulness of weaklings. It is not merely to be traditional. Molière when he gave the play first at Versailles may or may not have snuffed some of his candles and so dimmed to a suggestion of night the aspect of the scene. The purely traditional unless it has remained a familiar part of the production of a drama can appear in it only as an academic element, historically instructive if you like but having little to do with art.

The lights are left in this third act of George Dandin solely because they are a part of the inherent quality of the scene. Clitandre speaks of the look of Lubin's face and when the women enter Angélique mistakes the servant for her lover, and her lover mistakes her maid, until all comes right again. What reason could there be to sacrifice, then, in order to acquire an illusion of one sort, an illusion of another sort and more important? Darkness is a single element soon perceived and as soon forgotten. What darkness is in this scene is expressed in the confusion brought to the characters' minds. The darkness here has been created by Molière in acting terms and is to be acted. The mood of the scene is action not visual shadow.

Then the lights could be turned down half way, to help the audience imagine that night was over the scene? That might help obviously, if anyone wants such help. But if to this Molière scene you concede half light, which is not darkness, why bother with the point at all? The principle involved is that every work of art is complete in itself and not to be judged by something outside itself. There is only so much darkness in this scene as Molière meant to have in it; in exactly the same sense that Hokusai might put into a painting of a wave only so much of the actual wave as he chose, only to that extent might limit himself with the actual wave. Nothing can come to art by an insistence that it approach our plausibility and comfort. Nothing can come to art by applying resemblances to it that are not a part of its intentions. As we insist on doing so, we leave art and approach nature; and we obscure the essential character of art.

Very well then, I am told, if the actors are to create the darkness, then there must be great acting; and if these actors are not great, we might help them with the illusion of darkness. The company at the Provincetown Playhouse are not all Coquelins—obviously, Coquelins are not crowding the world. But whether these actors are good or bad does not alter the point at all. The whole security and essence of acting, as of any other art, must depend on its attacking the problem in hand, not evading it, or blurring it. Whether the artist fails or succeeds there can be only one line that he can take if he is to hold our interest, and that line is straight into the essential character of what he is to create. Unless he works in kind, he may almost as well not work at all, so far as art at least is concerned. In this Molière scene, the actor must go straight. And for people who cannot either by means of the acting or of Molière's lines conceive the scene to be dark, there is always the device of putting their hands over their eyes.

Asides

And finally, one hears, there can sometimes be noticed what is called in the theatre a bad laugh. That is to say there is laughter from people here and there that weakens rather than belongs to the scene. That is a serious point. But it is not a simple one. Such bad laughter is unfortunate and more or less to be avoided. But the other side of the matter is that at some time or other people must learn more than one theory of doing things; and with the progress of seasons people who, for example, once thought Botticelli's anatomy funny can come to see that form is not anatomy but design, and that Botticelli is not Rembrandt, and could be so only by ceasing to be Botticelli. Toward this end artists, for their own prosperity in art, can well afford to make of themselves martyrs now and then if need be.

There are always in the audience people who are uncomfortable when they see an actor in George Dandin turn to them and say a line or a speech. They feel that some sort of illusion ought to be created by making the character mumble or turn apart with his soul, as if really it were not an aside. But what gain is there in making an aside not an aside? In Fra Angelico does anyone want to believe somehow that those wings are only the wings of marvellous fowls who happen at the moment to be flying behind those shining forms of men? In the world of nature a rose is a rose only so long as the forces that constitute its roseness outweigh the forces that would draw it back again into mere common dust.

Molière

The habit of mind that must be brought to Molière is not general among our audiences, and hence that strange observation that one hears often when he is mentioned, that Molière is light and refreshing, even delightful. He may be that indeed, but the depth of Molière appears to minds that have the habit of seeing the elements of experience typically, ideally. Molière has the power more than any dramatist outside the Greeks of creating types that seem to be individuals and of pushing individuals toward a pregnant typicality. He does the same with incidents and reactions. People do things that reveal the whole type of action that is thus singly represented. The speeches given the characters sum up the moment and generalize it at the same time.

Heard superficially and especially by people whose minds move in the direction of individual detail and particular instance and whose conceptions are apt to be somewhat personal or moody and arbitrary, a Molière play apears not only light but broadly exaggerated. But the secret of any understanding of Molière lies in knowing that in his plays every element, light or heavy, undergoes an exaggeration that serves not so much to falsify it as to stamp it with its idea.

Stark Young.

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Forty Years in the Wilderness

Waste, by Robert Herrick. New York: Harcourt, Brace and Company. $2.00.

MR. HERRICK'S latest novel is, with different degrees of merit, a document, a commentary, and a work of art. As a document it spreads its arms wide. From a village somewhere near the northern Atlantic the scene shifts to Harvard and Boston, to Chicago during the World's Fair, to Idaho and Minnesota and back to Washington, to New York, around the world, to the Maine coast, through Oklahoma to New Mexico; the time moves from the simple eighties to the tangled present. If the panorama is wide, so is it full. The spacious terrain is crowded with figures of many human sorts, studied with cool, hard, intelligent eyes. Those eyes do not view the scene as its various contemporaries did. They look back upon it with a perspective impossible ten years ago, through a lens furnished by the decade just passing. At times the characters have premonitions which their prototypes can hardly have had; certain of the situations assume a new significance in the light of events which had not then taken place. Nevertheless, the documentary value of Waste is large. Here is an accurate if caustic account of the invasion of Harvard by a new order of barbarians, of the mushroom growth of Chicago under the exotic urge of the Exposition, of the muddled advance of the Progressives, of the shifts of emphasis which followed the opening of the new century, of the drift and then the madness of the country during the European war, of the sick disillusion which came after it. No other novel gives a more penetrating and more convincing account of opinion in America from 1914 to 1918; no other has yet hovered on such speculative wings over the period from Cleveland to Coolidge, with all its turmoil and change.

Any document which has been edited is, of course, a commentary. Mr. Herrick has edited this one. His formula is not new, and he has himself, indeed, used it before. Jarvis Thornton is an idealist into whom the shocks of reality try in vain to knock the droll, miscellaneous lessons of fortune. An architect, like the hero in The Common Lot, he is both engineer and artist, both dreamer and man of action; but he encounters at every turn the obstinate resistance of shoddiness and meanness and crude display. His wings are clipped, too, by certain of those women upon whom Mr. Herrick always makes such savage war: Leslie, who tricks him into marriage and then goads him to the treadmill; Juliana, who, though she loves him, slips timidly away when he is most genuinely himself; Cynthia, the most beguiling of all Mr. Herrick's women, who eventually estranges Thornton by the tigerish injustice to which maternal fury impels her. It is they who do most to drag him to a vulgar level, it is they who find the weakest spots in his defences and break them down without mercy. Mr. Herrick cannot forgive them for being wife or mistress or mother each in her own way. He hates and arraigns them with an almost mediaeval anger because they complicate the path of a soul on its lonely journey. At the same time, they are, in this commentary, the instruments of only one of the forces which beset that difficult path. Greed besets it, and malice, and invulnerable stupidity. Once more the puritan and the scholar in Mr. Herrick speak out. Those forty years, he questions, were they not, for all their splendor and excitement, actually a wilderness through which the people wandered, among thorns which bore no flowers or fruit, over rough ground which seemed merely to be fertile, toward a promised land which shone so brilliantly ahead of the pilgrims that they were blinded and stumbled? And what if there were, in the end, no attainable Canaan? Mr. Herrick, finding neither haven nor millennium to make up for the wilderness, now anatomizes the journey with a bitter pen. Unpersuaded by the spectacle, he inquires into the ultimate bearings of the plot.

His arguments are warmer than his art. Clearly as he sees the road ahead of him, and the country on both sides, he drives through his story at the speed of those motorists who, having mastered the wheel only as adults, never quite abandon themselves to driving, for the reason that in crucial turns and curves they have to think what they are doing. This is not to say that in certain open stretches Mr. Herrick spares his motor. The episodes of Juliana and Cynthia move swiftly and easily; the chapters devoted to the European war travel with a rush, particularly that chapter in which Jarvis makes his speech to the inflamed noncombatants of the Maine coast. But again and again, in stopping or in starting, in cutting through a narrow gap, in threading his way amid traffic, in passing slower vehicles, Mr. Herrick grinds his gears and loses some advantage which many a shallower novelist would not lose. To leave a dangerous image, Mr. Herrick seems in this novel, as almost always, less impassioned than intelligent. Substantial blocks of his narrative are nearer journalism than poetry; others drag. His lips twitch with irony, but he never laughs. He scourges all his fools, when at times it might possibly be better to give them the rope they need and encourage them to follow their own obliging instincts. He cannot resist the temptation to bring his argument to the surface on occasions when it does not belong there. "Thus with the presence of death," he says of Jarvis, still a mere boy beside his father's deathbed, "he thought boldly about the necessity of force, the futility of virtue without force, ruthless and logical as youth must be." Here Mr. Herrick comments upon, not represents, the blundering processes which would have gone on in the boy's mind at such a moment. Or ostensibly reporting a speech of Jarvis's Aunt Molly, the chronicler forces her to say about the farm on which she lives: "It ain't an elegant place . . . and neither your uncle nor I have time for the pretty things of life . . . but it's an honest sort of place, plenty to eat and plenty to do to keep yourself from thinking too much—and peace, yes." Is this the language of nature? No. It is the language of an actor who, stepping from his due place in the action, comes down to the footlights and delivers himself of a sentiment which his author is afraid would not reach the audience without being emphasized in some such fashion.

A certain argumentative, elegiac earnestness is what defeats Mr. Herrick's best purposes as an artist. That same quality, however, is the source of his best strength. He does not compromise. His documents cover their ground with a precious courage; his commentaries never mince and palter but strike directly at the heart of every theme, as he understands it. Doubtless it is too late to expect of him that he will ever achieve that flexibility which is at least as much a gift as an achievement or that he will ever successfully cultivate the graces which spring from other dispositions than his. Meanwhile he rises among his contemporaries like a rock, battered but unsubmerged, weathered but unbroken.

CARL VAN DOREN.

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The American Judge

The American Judge, by Andrew A. Bruce. New York: The Macmillan Company. $2.00.

THE more complicated society the more it depends upon law for its adjustments. That is a truism to which at least lip-service is accorded everywhere. But the application of that truism to the American political system is strangely unappreciated. Ours is necessarily a legalistic country, because our written constitutions, with the history that lies back of them, potentially make of every question, from the affairs of a village to our international relations, not merely difficulties to be adjusted by peaceful processes, which we call law, but legal controversies to be decided by courts. In no other country is the immanence of legal institutions so deep-rooted and so pervasive as with us; correspondingly, in no other country is a critical understanding of legal institutions so indispensable for laymen. Strangely enough, with the exception of Judge Cardozo's exhilarating little volume, The Nature of the Judicial Process, and Dean Pound's Spirit of the Common Law, this duty of enlightening laymen has hardly been attempted by the profession.

It is to this great end that Judge Bruce addresses himself. "We need to make the law, and especially constitutional law, intelligible to the ordinary intelligent citizen." Especially constitutional law! "The public needs to be informed both as to the nature and the scope and the limitations of the law." Most assuredly! Here is a task, one would suppose, singularly adapted for the rare experience of Judge Bruce. Who better fitted to interpret the legal institutions under which the American democracy is working out its salvation than one who was reared in English institutions, educated in this country, for many years the associate of Jane Addams and Florence Kelley in reconciling law and social needs, a leader among law teachers, the chief justice of a state supreme court? How then has Judge Bruce, who so clearly discerns the urgency for enlightenment, helped to give the layman understanding of the law?

Laymen think of "law" mostly as it manifests itself in constitutional adjudications, in industrial controversies and in the administration of criminal justice. The lay emphasis responds to a shrewd instinct. The dominant notes of Judge Bruce's volume confirm the layman's notions as to the chief scope of law.

Throughout the book Judge Bruce seeks to convey the impression that "constitutional law" is some authoritative and impersonal deposit of truth which, for all practical purposes, automatically gives answer when acts of legislature or executive are called into question. "Ours is a government of laws and not of men, and the members of our supreme courts are compelled to announce and decide not what they desire but that which the law and the constitution have authorized" is a typical sentence. But no light is shed as to the process by which the courts ascertain what it is that the Constitution has "authorized." The general impression sought to be conveyed puts Judge Bruce's influence behind the mischievous assumption that our judges embody pure reason, that they are set apart from the concerns of the community, regardless of time, place and circumstance, to become the interpreters of self-determining words with fixed content, yielding their meaning to a process of inexorable reasoning.

Of course Judge Bruce knows better. He knows that judges are not passive interpreters of ready-made "law." He knows that, for the most part and in decisive constitutional cases, they exercise creative power. No attempt is made, however, to enlighten a layman on the complicated process of "interpretation." The judicial process of dealing with words varies with the words dealt with. Some legal words and phrases approach mathematical symbols like Π or $\surd$, meaning substantially the same thing to all who have occasion to use them. Other law terms, like "without due process" are not symbols, but labels of a completed and complicated process of judgment and choice. There are thus varying degrees of compulsion behind different words, the differences being due to the words themselves, their setting in the text, their history, their relation to other parts of the law, etc., etc. These distinctions, wholly disregarded by Judge Bruce, have profound consequences in decision-making.

Roughly speaking, the Constitution of the United States involved two types of provisions: (1) provisions making specific prohibitions, based on the history of a specific political grievance, or embodying a specific limitation of power in the division of government between states and nation; (2) general standards of fair play and broad divisions of power between states and nation. These two types of constitutional provisions result in two different types of adjudication, because they rest on different sources of material and provoke differences in mental outlook. As to the first class, the definiteness of the terms, the definiteness of their history, the definiteness of their aim, all combine to canalize within narrow limits the scope of judicial review in the rare instances when their meaning is called into question. The result is a part of constitutional law relatively easy of application because it allows comparatively meager play for individual judgment as to policy. But when we come to the second class, to the broad undefined clauses of the Constitution, we are in a decisively different realm of judicial action. The scope of application is largely unrestricted and the room for play as to individual judgment as to policy correspondingly wide. Simple terms of vast content, like "liberty," and phrases like "without due process of law" are the instruments for judgment upon the whole domain of economic, social and industrial life. The problem is further complicated because we are a federated nation. One set of considerations comes into play when the Supreme Court mediates between the federal government and the states; a totally different set when it sits in judgment upon the social experiments of an individual state.

Surely all this is something that Judge Bruce's "intelligent citizen" ought to be told. Of all this, in his pre-war writing, Judge Bruce was not unaware. But his present readers he darkens by fiction and contradiction, tempered with apologetics. We encounter such orthodox casuistry as: "Generally speaking, the courts have not attempted to set statutes aside. They have refused to enforce them." This particular fiction is very respectable. Judge Bruce, after telling us, in effect, that the Supreme Court is the impersonal voice of sovereign law, and really does not "set statutes aside," goes on to tell us that judges sometimes in fact speak for themselves and not for the Constitution but under the guise of the Constitution.

The layman must be puzzled in his effort to understand the mysteries of constitutional law when so readily assured by Judge Bruce that "if the courts had at times exceeded their authority in passing upon the validity of statutes . . . it is doubtful if any lasting harm has come

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from the unauthorized activity." How long is "lasting" in Judge Bruce's timekeeping? What is "harm" to him, and how does he measure it? One would judge from the general fearsome temper of the book that popular "unrest" is deemed by him a potent "harm." Surely there can be no greater harm than lack of popular confidence in law and in legal institutions; and Judge Bruce himself tells us that it is by this "unauthorized activity" of our courts "that they have created a large measure of the popular distrust which now prevails."

Constitutional issues apart, the most challenged activity of the American judge arises in his use of the injunction in industrial controversies. What light has Judge Bruce here to offer? Just this. The injunction is a "prerogative" which "should never be surrendered or taken away . . . The writ of injunction is the preventive medicine of the law. Surely we are not compelled to stand idly by and see our property demolished and our institutions destroyed. Have not the World War and the failure of Germany to make reparation shown us that an ounce of prevention is worth a pound of cure? Surely it is sometimes wise to prevent the horse from getting out of the barn. Much discretion is necessary in the exercise of the power to issue the writ of injunction. But the power should certainly be recognized."

Surely, also, Judge Bruce might have told his readers of the experience which lies back of the efforts to restrict the use of injunctions in labor controversies. At least he might have quoted, for instance, the following paragraph from Mr. Justice Brandeis in his famous dissent in the Arizona Injunction case:

> It was urged that the real motive in seeking the injunction was not ordinarily to prevent property from being injured nor to protect the owner in its use, but to endow property with active militant power which would make it dominant over men. In other words, that, under the guise of protecting property rights, the employer was seeking sovereign power. And many disinterested men, solicitous only for the public welfare, believed that the law of property was not appropriate for dealing with the forces beneath social unrest; that in this vast struggle it was unwise to throw the power of the state on one side or the other according to principles deduced from that law; that the problem of the control and conduct of industry demanded a solution of its own; and that, pending the ascertainment of new principles to govern industry, it was wiser for the state not to interfere in industrial struggles by the issuance of an injunction.

Judge Bruce writes as though there lay no history of tragic futility between the Debs case and the Wilkerson injunction. For thirty years, the injunction has been used as a familiar weapon in American industrial conflicts. It does not work. It neither mines coal, nor moves trains, nor makes clothing, nor, above all, does it make for peace. As an adjuster of industrial conflicts, the injunction has been a failure. It has been used as a short-cut—but it has not cut anything, except to cut off labor from confidence in the Rule of Law and of the courts, as its impartial organs. No disinterested student of American industry or of American law can have much doubt that the use of labor injunctions has, predominantly, been a cumulative influence for discord in our national life. Without appeasing, and in fact exacerbating the industrial conflict, judicial intervention in labor controversies through the injunction has planted in the minds of masses of workers, with increasing intensity, the feeling that the courts are the instruments of a partisan policy. This result is inevitable so long as this use of the injunction persists. For the conduct which injunctions in labor cases seek to restrain necessarily involves disputed questions of fact touching men's feelings and motives and opinions. The traditional Anglo-American method for ascertaining such facts is a jury. The social justification of the jury system lies precisely in its utilization of popular coöperation in the enforcement of law. In labor controversy, if anywhere, one would suppose this popular vindication of the law would be resorted to. From the point of view of revivifying a respect for law and regaining order, no less than from any attempt towards decent industrial relations, it is of the essence that the curb upon trade-union action should be administered by the courts only through proceedings in which disputed facts are determined by a jury. Nor is there any just basis in so-called expediency for continuing the disastrous short-cut of the injunction. The direct responsibility of the union for wrongful acts has now been established. Civil redress by the employer can now be had and should be had only through action for damages. So far as acts of violence are concerned, the resources of the state are ample in the criminal law—if it be made effective. Only if trade unions are convicted of wrongful acts not by a single judge but by their fellow citizens—the jury of the vicinage—will it restore belief by the millions of trade-union workers and their friends in the fairness of law and the impartiality of courts.

This brings us to Judge Bruce's treatment of the administration of criminal justice. In the portions concerning criminal law we have a curious hodge-podge of shallow generalities about social causes of crime, politics, inadequacies of our criminal procedure, and "public opinion," that weary scapegoat for a failure to think clearly and hardily. Not that a good deal of what Judge Bruce says isn't so—if only the reader were made aware of it. But his conclusions, even when sustained by proved analysis, lack perspective, guiding detail and impact. Here, for instance, is Judge Bruce's summary of the conditions determining law enforcement in this country: "The curse of the American administration of the criminal law, is our system of politics, the fact that the under-world has a vote as well as the upper-world, and above all, the short tenure of office of all our public officials." Let anyone compare this analysis with the following summary by Dean Pound of the defects in our system of criminal justice:

> (1) The transition from rural to urban and thence to metropolitan conditions has been met not by intelligent reconstruction, but by patching and addition of members; (2) lack of continuity in administration; (3) rigidity of organization, making adjustment to the exigencies of rapid growth and exceptional diversity of population impossible; (4) a tendency to perfunctory routine growing out of the foregoing circumstances; (5) division of power and diffused, ill-defined responsibility, making it difficult to hold anyone to account for unsatisfactory results; (6) an assumption of versatility on the part of the officials and subordinates, whereby they are expected to do specialized work offhand, in a system of frequent rotation, without any adequate provision for the specialization involved in the large undertaking of enforcing the criminal law in a modern city; (7) want of provision for intelligent study of the functioning of administrative machinery, either by those who operate it or by others.

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Here we have the kind of diagnosis which is capable of guiding opinion and furnishes blue-prints for social construction. Such an analysis of defects suggests the problems for reform, of which the most important are the reshaping of the substantive criminal law, the organization of the administration of justice, adequate provision for petty prosecutions and preventive methods—always remembering, in the words of Mr. Alfred Bettman, "the unescapable influence of the atmosphere, the traditions, the ideals, and the standards of the community itself."

But Judge Bruce is too preoccupied with "selling" the American judge to give a painstaking critique of the problems of present-day law enforcement. The chief aim, apparently, is to clear the courts of all responsibility for the justified discontent with what Senator Root calls "the product" of our judicial system. And so we have an application of most transparent whitewash: "Certain it is that no modern appellate court reverses a judgment unless it is satisfied that a fundamental right has been violated."

In view of his exaltation of our existing system, it is not too surprising, however disheartening, that Judge Bruce "views with alarm" one of the few notable achievements of recent years in procedural reform—the small-claims courts. "Serious dangers are involved in their creation. They are informal and they are presumed to be informal. Being informal they are often arbitrary. They represent and enforce the justice of the beneficent despot rather than that of the established law." Here is a matter vital to the great masses, and vital to continued confidence in law. What is the basis for this condemnation of the actual working of the small-claims courts? The testimony available is all the other way, as evidenced by the reports at last year's meeting of the American Bar Association and in the report now in preparation for the Carnegie Foundation by Reginald H. Smith, bringing down to date his Justice and the Poor.

One might go on applying the scientific scalpel to almost every page of this book. It is not a congenial task and would only add cumulative evidence to what must be abundantly clear. The book is neither scholarly nor scientific. An exposition of technical problems for laymen makes a particularly exacting demand on scholarship. The paraphernalia and pomp of learning must be dispensed with; learning must be distilled in draughts at once pure and potent. But rhetoric is not the layman's substitute for technical jargon, and a problem cannot be simplified by suppression of its difficulties. Judge Bruce's pages are happily unencumbered by any heavy apparatus of legal learning; unfortunately, they show no traces that scholars have greatly labored in fields from which he brings reports to laymen. If this book were the only witness, Mr. Justice Brandeis, Judge Cardozo, Mr. Justice Holmes, Dean Pound and Dean Wigmore (to mention but a few) might as well not have written. Much as the flavor and substance of scholarship is wanting, the book is still less touched with the scientific spirit. Fear permeates its pages. The sad truth is that Judge Bruce made for the cyclone cellar after his grievous experience when North Dakota went non-partisan, and this book was largely written in the cyclone cellar. A fruitful book in social science cannot be written by a pen moved by fear and dipped in a grievance. And so we have a book by two Bruces, the pre-war, Hull House Bruce, and the post-war, "Red"-fearing Bruce. Both wrote—but with a very different temper, with a very different outlook. In the present book, these two streams of writing are strangely blended. Two different wines do not make a good cocktail simply because one is bitter. Judge Bruce set out to "save the country" instead of enlightening it to save itself.

FELIX FRANKFURTER.

The Diary of Otto Braun

The Diary of Otto Braun, with selections from his letters and poems, edited by Julie Vogelstein, with an introduction by Havelock Ellis. New York: Alfred A. Knopf. $3.50.

THE face of Otto Braun, in its boyish sensitiveness and beauty, looks out from this memorial volume to remind us again of the incomparable loss which the world has sustained in the death of its youth. Otto Braun was the son of Dr. Heinrich Braun, a publicist and economist, and Lily Braun, the writer and socialist, author of Memoiren einer Sozialistin. He was seventeen years old when the war broke out and had not yet performed his military service. He enlisted at once, however, and served for two years on the eastern front until severely wounded, and after his recovery, a few months on the western front, where he was killed at Marcelcave, April 18, 1918.

Otto Braun was a wunderkind. We find him at thirteen writing in his diary astonishingly sound and penetrating comment on books, pictures, and life. At fourteen he had worked out a table showing the production of food stuffs in Germany and Austria compared to the rest of Europe, proving the impossibility of the two empires standing alone. That he recognized the danger of letting his precocious inner life separate him from companionship appears in a letter to a boy friend in which he warns him against "transferring the habits of your life, your feeling and your thinking, to school . . . Remain yourself and wear a mask at school but don't let the others notice it, or you'll soon be one of the most hated boys there." This combination of intellectual ardor with practical sense and human feeling, stood him in good stead in the army, where he was at first persecuted by his superiors on account of the socialistic views of his parents, but later as an officer himself was greatly beloved and trusted by his men. When sent to the hospital after his injury he wrote, as so many American boy officers wrote:

> You would not believe how every day of being away from the battalion gets harder to bear. This cursed "homesickness"! It is almost true to say that in a war most of one's love for one's home is transferred to the company to which one belongs.

Braun was a natural classicist in his longing for symmetrical development and perfection in life. He grew up in the days when Nietzsche was awakening youth with the trumpet call of Zarathustra. But he records, "It is curious that I have never heard of the principle of 'self realization to the uttermost' from Nietzsche, only that of the highest fulfilment of duty." He had inherited a sense of duty to the workers, and like Matthew Arnold he realized that individual culture was a sterile thing without the possibility of sharing it with the rest of mankind. He writes of the lot of the workers living under conditions unworthy of human beings, "embittered, or what is even worse, contented with their lot;" and adds that "to keep them in this apathy is the foundation-stone of present

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day society—but it is also one of its unforgivable crimes." Elsewhere he declares that the eight-hour day is the most important demand for culture. "If one gave this leisure which was the privilege of the few to the people . . . one would make life very much more complete, and above all more beautiful." He wrote from the army in 1916:

> My love for perfect achievement and creation in art and nature, for all that blossoms and grows organically, and for the mighty passion which has become moulded to perfect form and cast in metal, for the classical and symmetrical, has grown yet more strong, and so has my dislike of all that is accidental, artificial and arbitrary, all that is merely negative, verbose and disconnected, that just touches the fringes where it should get to the centre, all turbulence as opposed to conscious creation and evolution.

And again like Matthew Arnold he looked to the state as the instrument of culture, "the organ of the right reason of all of us."

> My deepest desire, my purest if most secret flame, my most profound faith and greatest hopes are still centred on the same thing; everything for me is included in the State. After all, the aim and object of all my striving is some day to build the State, to build it as a temple, reaching upwards in purity, resting on its own strength, austere and majestic, but gay as the gods are gay, with bright halls glittering in the sunlight.

Of Otto Braun's poetry it is difficult from the translations to say whether it has real distinction or only exuberance and ardor. But for his diaries and letters we can be entirely grateful. It is easy to overrate the substance. In the thought of a boy who died at twenty-one there can be little that is new or creative. But the soul of this gentle, high-minded German is a gift to the world sick with lust and hate. That he escaped that world, and remains preserved by death in all his beauty of boyish purity and promise is a fulfillment of the classical ideal in which he lived.

> But him, on whom, in the prime
> Of life, with vigour undimm'd,
> With unspent mind, and a soul
> Unworn, undebased, undecay'd,
> Mournfully grating, the gates
> Of the city of death have forever closed—
> *Him,* I count him, well-starred.

ROBERT MORSS LOVETT.

The Great Game of Politics

The Great Game of Politics, by Frank R. Kent. New York: Doubleday, Page and Company. $2.50.

MR. KENT knows a hawk from a handsaw no matter which way the wind is blowing. He has written, in the best tradition of a trained newspaper man, a restrained, realistic, readable account of the contemporary game of politics in the United States. A machine is no metaphor to Mr. Kent. He knows the function of each loosely fitted human cog. His book describes these cogs, from precinct executive to boss. Mr. Kent's boss is not a sinister, criminal figure out of a Nast cartoon but a shrewd, resourceful, rather likeable human being named "Jimmy" Trahey or "Frank" Kelly.

The machines of the two major parties control elections because they control primaries. They control primaries because from two-thirds to nine-tenths of the qualified voters do not vote. Woman suffrage thus far has enhanced the power of the machine by increasing the proportion of votes that the precinct leader can deliver at the primary.

The machine is not completely bad. It performs a few useful political functions. There is a certain humanity about its operation in relation to the obscure, ambitious voter and his children. The boss is frankly in the game for money but it is a naïve superstition to imagine that he makes it by collections from prostitutes, gamblers, criminals and law violators, generally. This is police graft, not political graft. The boss gets his profit partly by sequestering a generous fraction of the campaign fund, as do ward and precinct leaders, but chiefly by his undercover services to corporations and other interests willing to buy special privileges or compelled to buy protection.

Mr. Kent has a diverting chapter on the humbuggery of political campaigns. An enlivening personal experience has confirmed to me his opinion that any ordinary candidate, who does not make terms with the machine, is wasting his time and money. I filed in 1922 in a middle western district for the Republican nomination for representative in Congress. My political ambition was barely tepid but I was anxious to ascertain what sort of a chance a person with fair qualifications would have if he refused to play the political game according to the current rules. I am a lawyer, native of the state, member of the dominant political party, mildly liberal, not particularly unpopular, a graduate of several colleges and universities but with plenty of local associations to counterbalance the handicap of education, and with an income approximately equal to a Congressman's salary. I consulted no political leader before announcing my candidacy. My platform was a frank statement of my stand on every important issue. Except that I answered promptly and candidly every inquiry I received, I conducted no campaign, and I spent no money. There were eight Republican candidates. The qualifications of most of them were modest, even for politicians. I suppose that my worst enemy would admit that if some impartial and intelligent committee had been given preliminary authority to eliminate all but two candidates, I should have been one of those retained. The total vote in the primary was about one-fourth the party strength. I stood last in the district and third in my own county. The somewhat expensive, but comparatively simple (and cynical) program I might have adopted to obtain the nomination, is entertainingly outlined in Mr. Kent's pages.

Mr. Kent moralizes very little. He is no muck-raker and no hopeless pessimist. He thinks well of the merit system and wishes there were fewer elections and shorter ballots. He has no illusions about spectacular reform waves nor shifts in party control. The author's solution of our political ills is as difficult as it is simple. It consists only in regular, intelligent and informed voting by all those qualified.

JAMES W. QUIGLEY.

Persia

Persia, by Sir Percy Sykes. New York: The Oxford University Press. $2.50.

THE first part of the book is merely historical and contains nothing new. Greek spellings (page 19) and Latin quotations (page 28) irritate in a popular little book. The account on Zoroastrianism is inadequate, being compressed in one short page, and Mithraism which influenced Rome and the West so much is not even mentioned. Far more interesting is the second part which deals

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with Afghan dominion in Persia and the attitude of the country during the World War and after. Sir Percy takes a gloomy view of the situation; the Russian bugbear obstructs his vision. By the terms of the Moscow Treaty, signed 1921, Russia cancelled the large debt due from Persia and handed over all Russian concessions such as steamers on Lake Urumia. The lion was once more diplomatically thwarted by the bear. In addition to the treaty, Sir Percy adds with a tone of bitterness, negotiations were opened with Afghanistan. Of course Moscow and Kabul are fickle friends! The real friends of Persia, the author tells us in conclusion, watch her present plight with sorrow, and hope that, before it is too late, the country will realize that it is marching down the broad road that leads to destruction! It would be interesting to read a book on the Persian and Afghan situation by a Russian Brigadier-General. We should then have a more comprehensive view of that vital question than obtained through the myopic vision of Brigadier-General Sir Percy Sykes.

ERNEST P. HORRWITZ.

The Arts Monographs. Georges Seurat, by Walter Pach. William Glackens, by Forbes Watson. New York: Duffield and Company. $2.00.

MR. FORBES WATSON, the editor of The Arts, has chosen a format of excellent size for this new series; and the illustrations are sufficiently numerous to give a fair notion of the range and variety of the artist's work. Mr. Pach's distinguished study of Seurat is, I believe, the only essay on this subject in English; and it brings out the specific contribution of Seurat to this generation—no longer the unique colorist, the exponent of "pointillism," but the architectonic designer. Mr. Watson's study of Glackens is distinctly apologetic, and one cannot help thinking that the need for it would have been obviated had he treated Mr. Glackens, not as an outstanding individual, but as one of a group, including Everett Shinn and John Sloan, whose merit lies more, perhaps, in *what* they touch and feel than in *how*. Future books in this series would be improved by at least one example in color of the artist's work; for it needs both experience and imagination to read color into black and white.

L. M.

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